



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Cr1.R.C. (MD) No.36 of 2017

and

Cr1.M.P. (MD) No.343 of 2017

K.Karuppayee

...Petitioner / Accused-3

vs.

The State rep. by Deputy Superintendent of Police,  
Vigilance & Anti Corruption,  
Sivagangai.

...Respondent / Complainant

**PRAYER:** Criminal revision filed, under Sections 397 & 401 Cr.P.C., to call for the records relating to the impugned order dated 29.12.2016 made in Cr.M.P.No.584 of 2016 in C.C.No.68 of 2014 on the file of Special Court for Prevention of Corruption Act Cases, Sivagangai, set aside the same.

For Petitioner : Mr.C.Veera Kathiravan  
Senior Counsel for Mr.C.Jegannathan

For Respondent : Mr.K.K.Ramakrishnan  
Additional Public Prosecutor

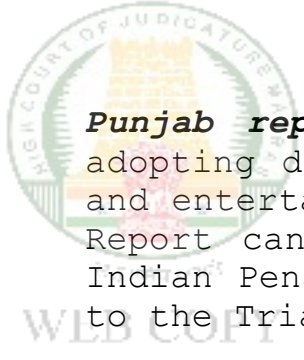
### O R D E R

When this Court was about to dismiss the criminal revision on merits, the learned Senior Counsel for the petitioner sought permission of this Court to withdraw the criminal revision and he has also made an endorsement to that effect.

2. In view of the endorsement so made, the criminal revision is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed.

3. Learned Senior Counsel for the petitioner would submit that the petitioner is 84 years old and her presence could be dispensed with.

4. Accepting the submission, this Court directs the petitioner to appear before the Trial Court at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the petitioner files an application under Section 317 Cr.P.C., undertaking that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses on the day they are examined in chief, as held by the Hon'ble Supreme Court in **Vinod Kumar vs. State of**



**Punjab reported in 2015 (1) Scale 542,** in her absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If she absconds, a fresh First Information Report can be registered against her under Section 229-A of the Indian Penal Code. If she adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Special Judge,  
The Special Court for Prevention of Corruption Act Cases,  
Sivagangai.
- 2.The Deputy Superintendent of Police,  
Vigilance & Anti Corruption,  
Sivagangai.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to M/s. Veera Associates, Advocate Sr.No.53108

SJ

VB/SV/MMS/SAR3/19/03/2018/2P/5C

**Cr1.R.C.(MD) No.36 of 2017**

**and**

**Cr1.M.P.(MD) No.343 of 2017**

**05.03.2018**