

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.RC.No.796 of 2019

and

Crl.MP.Nos.11556 & 11557 of 2019

Lalith Mehta

S/o.Late S.S.Mehta

.. Petitioner/Accused No.3

Vs

State Represented by
The Inspector of Police
Central Crime Branch, EDF-I, Team-II,
Vepery, Chennai-600 008.

.. Respondent/Complainant

Criminal revision preferred under Section 397 read with Section 401 of Cr.P.C. seeking to call for the records in Crl.MP.No.5214 of 2018 in C.C.No.2501 of 2017 pending on the file of the Court of the CCB & CB-CID Metropolitan Magistrate, Egmore, Chennai and set aside the order dated 22.05.2019 passed in Crl.MP.No.5214 of 2018 in C.C.No.2501 of 2017.

For Petitioner : Mr.Ramesh Kumar Chopra

For Respondent : Mrs.P.Kritika Kamal

Government Advocate (Crl.Side)

O R D E R

This Criminal Revision has been preferred to call for the records in Crl.MP.No.5214 of 2018 in C.C.No.2501 of 2017 pending on the file of the Court of the CCB & CB-CID Metropolitan Magistrate, Egmore, Chennai and set aside the order dated 22.05.2019 passed in Crl.MP.No.5214 of 2018 in C.C.No.2501 of 2017.

2. When this Court was about to dismiss this petition on merits, the learned counsel for the petitioner sought permission of this Court to withdraw the same and has also made an endorsement to that effect.

3. In view of the above submission and endorsement made by the learned counsel for the petitioner, this Criminal Revision Petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court, after

the charges are framed, since there are prima facie materials to frame charges.

4. At this juncture, the learned counsel for the petitioner sought permission of this Court to dispense with the personal appearance of the petitioner before the trial Court.

5. Accepting his submission, the petitioner shall appear before the trial Court for receiving the copies under Section 207 Cr.P.C, for framing charges under Section 239 Cr.P.C, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgement. For the other hearings, the petitioner/accused shall file a petition before the trial Court under Section 317 Cr.PC., giving an undertaking that he will not dispute his identity and that the counsel named by him in the petition will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288]. On such a petition being filed, the trial Court may liberally consider the same. If the accused adopts any dilatory tactics, it is open to the trial Court to insist upon his presence and remand him to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If the accused absconds, the trial Court shall direct registration of an FIR against him under Section 229-A IPC. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Metropolitan Magistrate
CCB & CBCID, Egmore, Chennai.
2. The Inspector of Police
Central Crime Branch, EDF-I, Team-II,
Vepery, Chennai-600 008.
3. The Public Prosecutor
High Court, Madras.

CRL.R.C.No.796 of 2019

rv(co)
nr 30/09/2019