

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.820 of 2019
and Crl.M.P.Nos.11987 & 11989 of 2019

1. Shamshath Begum
2. Tabassum Fathima
3. Parveen Fathima

..Petitioners/ Accused

Vs.

State represented by
Inspector of Police,
(Law & Order),
N1-Royapuram Police Station,
Chennai - 600 013.

..Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the order dated 16.07.2019 passed in Crl.M.P.No.29
of 2019 in S.C.No.504 of 2018 on the file of the XIX Additional
Sessions Court, Chennai.

For Petitioners: Mr.M.Fazulul Haq

For Respondent : Mr.G.Ramar
Government Advocate
(Crl. Side)

O R D E R

When this Court was about to dismiss the petition on merits,
the learned counsel for the petitioners sought permission of
this Court to withdraw this criminal revision petition. He has
also made an endorsement to that effect. The learned counsel for
the petitioners submitted that the petitioners are pardanashin
women and their presence before the Trial Court may be dispensed
with.

2. In view of the submission and the endorsement made in the
revision petition, 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as withdrawn with liberty to the petitioner to raise all the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 prima facie materials as there for framing the charges.

The petitioners are directed to be present for answering the

charges, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. The petitioners shall file affidavits of undertaking, before the Trial Court that they will not dispute their identity and that their counsel will cross-examine the prosecution witnesses on the day, they are examined in-chief as held by the Hon'ble Supreme Court in Vinodh Kumar Vs. State of Punjab¹. For other hearings, if the petitioners file applications under Section 317 Cr.P.C., the same shall be liberally construed. If the petitioners adopt any dilatory tactics, it is open to the trial Court to require their presence and take steps to remand them to custody under Section 309 Cr.P.C. as held by the Hon'ble Supreme Court in State of Uttarpradesh Vs. Shambu Nath Singh². If the accused absconds, a fresh FIR can be registered against them under Section 229-A of IPC. Connected CrI.M.P.No.11987 of 2019 is closed.

nsd

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The XIX Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
(Law & Order),
N1-Royapuram Police Station,
Chennai - 600 013.

Copy to:-

The Section Officer, सत्यमेव जयते
V.R.Section,
High Court, Madras - 104.

+2cc to M/s.Juris & Justia, Advocates, vide SR.No.73027

CrI.R.C.No.820 of 2019

Kak(12/09/2019)

¹ 2015[1] MLJ [CrI] 288

² JT 2001[4] SC 319