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Crl.O.P.No.26000 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.26000 of 2023
and Crl.M.P.Nos.18069 & 18071 of 2023

Salai Sivamalar

... Petitioner

Vs.

1. The State represented by,
The Inspector of Police,
Central Bureau of Investigation, EOB,
RC0692021E0008/CBI/EOB/Chennai,
Chennai - 600 090.

2. Indian Overseas Bank,
Represented by its,
Chief Regional Manager,
Indian Overseas Bank, Regional Office,
Gandhipuram, Coimbatore.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to call for the records relating to C.C.No.2541 of 2022 on the file of the learned Chief Judicial Magistrate, Coimbatore and quash the same.

For Petitioner : Mr.V.Anandhamoorthy



CrI.O.P.No.26000 of 2023

For R1 : Mr.K.Srinivasan
Special Public Prosecutor for CBI

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.2541 of 2022 on the file of the learned Chief Judicial Magistrate, Coimbatore.

2. Learned counsel for the petitioner submitted that though several grounds, on merits, are available in this quash petition, he is not pressing the present petition, however, contending that the case of the prosecution mainly rests on documentary evidence and the petitioner being a lady and her identity is not being disputed, he prayed that the presence of the petitioner before the trial Court may be dispensed with. He has also made an endorsement to that effect.

3. In view of the submission and the endorsement made by the learned counsel appearing for the petitioner, this Criminal Original Petition stands dismissed as not pressed and as a consequence, the connected miscellaneous petitions are closed. However, the presence of the petitioner before the trial Court is dispensed with, on condition that she shall be present before the trial Court for initial questioning, reply to charges and at the time of framing charges and questioning under Section 313 of Cr.P.C., and at the time



CrI.O.P.No.26000 of 2023

of passing judgment and whenever insisted upon by the trial court.

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4. The petitioner is further directed to give an undertaking in the form of an affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses without delay. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event of her presence is insisted by the trial Judge for the purpose of identification or progress in trial. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist for her appearance and deal with the petitioner in accordance with the judgment of Hon'ble Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

07.12.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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A.D.JAGADISH CHANDIRA, J.

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To

1. The Chief Judicial Magistrate, Coimbatore.
2. The Inspector of Police,
Central Bureau of Investigation, EOB,
RC0692021E0008/CBI/EOB/Chennai,
Chennai - 600 090.
3. The Public Prosecutor,
High Court of Madras.

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