

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.23341 of 2015

K.Susila

.. Petitioner/Accused

Vs

1. State Rep. by:

Inspector of Police,
Senthurai Police Station,
Ariyalur District.

2.R.Sellamuthu IAS (Retd)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in S.T.C.No.603 of 2013 on the file of learned Judicial Magistrate, Ariyalur for the offence under Section 294(b), 427, 506(i) of I.P.C., and quash the same.

For Petitioners : Mr.N.R.P.Ayyanar

For Respondents : Mr.C.Emalias,

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.603 of 2013 on the file of learned Judicial Magistrate, Ariyalur.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

3. On a reading of the final report, it is seen that this petitioner had attacked the defacto-complainant and caused damage to his "car". Thus, there are sufficient materials for the trial to proceed.

4. The learned counsel for the petitioner submits that Suseela (the petitioner herein) is physically handicapped and therefore, her presence before the Trial Court can be dispensed with.

5. Since, there are materials against this petitioner, the proceedings cannot be quashed. However, the petitioner is directed to appear before the Trial Court for receiving the copies under

Section 207 Cr.P.C., for framing charges, for questioning under Section 313 Cr.P.C. and on the date of judgment. For other hearings, the presence of the petitioner can be dispensed with, provided she gives an undertaking before the Court naming the counsel who will represent her and that she will not dispute her identity and that, in her absence her counsel will cross-examine the witnesses. If the petitioner adopts dilatory tactics, it is open to the Trial Court to insist upon the her presence. Since the FIR., is of the year 2011, the Trial Court is directed to expeditiously conduct the trial.

With the above direction this Criminal Original Petition is dismissed with liberty to the petitioner to raise all the points before the Trial Court. Consequently, the connected miscellaneous petition in M.P.No.1 of 2015 is also dismissed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Senthurai Police Station,
Ariyalur District.
2. The Public Prosecutor,
High Court, Madras.
3. Judicial Magistrate,
Ariyalur.

+1 cc to Mr.N.R.P.Ayyaanar, Advocate (sr.50973)

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cp 16/10/2015