



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.16723 of 2017

and

CRL.M.P.(MD)Nos.11043 & 11044 of of 2017

Kokila

. . Petitioner/Accused No.3

Vs.

Rosemary

. . Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to S.T.C.No.661 of 2017 pending on the file of the Fast Track Court No.1 (Judicial Magistrate Level) Madurai and quash the same in so far as petitioner is concerned.

For Petitioner : Mr.S.Ravi

ORDER

This Criminal Original petition has been filed to call for the records relating to S.T.C.No.661 of 2017 pending on the file of the Fast Track Court No.1 (Judicial Magistrate Level) Madurai and quash the same in so far as petitioner is concerned.

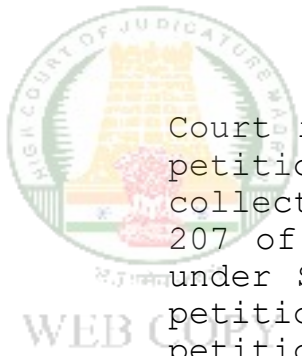
2. Heard the learned counsel appearing for the petitioner.

3.When, this Court is not convinced to entertain the petition for quashing the complaint, the learned counsel for the petitioner sought permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

4.However, the learned counsel for the petitioner seeks indulgence of this Court to dispense with the presence of the petitioner and he also relied upon the order passed by this Court earlier in Crl.O.P.(MD)Nos.3814, 3815 & 3816 of 2017 which was filed by the petitioner and he contended that the personal appearance of the petitioner may be dispensed with, in view of the order passed by this Court.

5.Having regard to the facts and circumstances of the case and the order passed by this Court earlier, this Court is inclined to pass following direction:-
<https://hcservices.ecourts.gov.in/hcservices/>

"The presence of the petitioner before the Trail



Court is dispensed with subject to the condition that the petitioner shall appear before the Lower Court for collecting the final report and other papers under Section 207 of Crl.P.C., for framing the charges, for questioning under Section 313 of Cr.P.C and on all other dates if the petitioner files an application 317 of Cr.P.C. The petitioner also undertakes that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses in her absence without adopting any dilatory tactics; if the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence."

6.It is open to the petitioner to raise all her contention, which are available to the petitioner before the Lower Court.

7.Accordingly, this petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Fast Track Court No.1
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.RAVI Advocate in SR. No. 91226

DSS/RMK

JS/SV.MMS/SAR.2/03.01.2018/2P-4C

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