



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
CRL.O.P.(MD)No.4229 of 2017

and

Crl.M.P.(MD)Nos.3054 and 3055 of 2017

Rega

: Petitioner

-Vs-

1.The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.

2.Saranya : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the impugned charge sheet in C.C.No.81 of 2016 on the file of the learned District Munsif -cum- Judicial Magistrate, Thirumayam and quash the same as illegal as against this petitioner alone.

For Petitioner : Mr.K.Sivabalan
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)
For Respondent No.2 : Mr.Arun Prasad

O R D E R

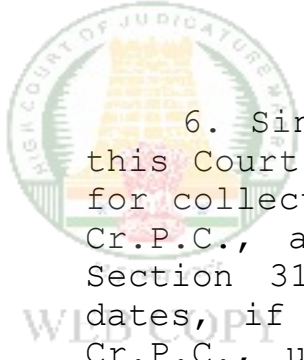
The second respondent/*defacto* complainant-Saranya is present.

2. M/s.P.Vaijainthi Mala, Head Constable, All Women Police Station, Thirumayam, Pudukkottai District, is present.

3. When this Court was about to dismiss the petition on merits, the learned Counsel appearing for the petitioner sought permission of this Court to withdraw this Criminal Original Petition and he has also made an endorsement to that effect.

4. Permission is granted. This Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court. Consequently, the connected Miscellaneous Petitions are closed.

5. At this juncture, the learned counsel appearing for the petitioner sought leave of this Court to dispense with the personal appearance of the petitioner before the Trial Court.



6. Since the petitioner is a lady, accepting the submission, this Court directs the petitioner to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the petitioner files an application under Section 317 Cr.P.C., undertaking that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses on the day they are examined in chief in her absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence.

Sd/-

Assistant Registrar(cs-II)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

- 1.The District Munsif -cum- Judicial Magistrate, Thirumayam.
- 2.The Inspector of Police,
All Women Police Station,
Thirumayam, Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

SML

MAS/JC/SAR2:22.06.2017:2P-4C

Order made in
CRL.O.P. (MD) No.4229 of 2017
Dated: 12.06.2017