

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2018

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.No.20647 of 2018 &
Crl.M.P.Nos.11100 & 11101 of 2018

Nari Ayesha Farheen .. Petitioner/Accused

Ayesha Siddique Vs .. Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records of the S.T.C.No.263 of 2018 on the file of the Judicial Magistrate, Ambur, Vellore District and quash the same.

For Petitioner : Mr.K.P.Chandrasekaran

O R D E R

This petition has been filed to quash the proceedings in S.T.C.No.263 of 2017 on the file of the Judicial Magistrate, Ambur, Vellore District.

2. Heard learned counsel for the petitioner.

3. Learned counsel for the petitioner submitted that without going into the merits of the case, this Court may direct the trial Court to dispose of the case in S.T.C.No.263 of 2018 within a stipulated time and he further submitted that the presence of the petitioner, being lady, before the trial Court may be dispensed with.

4. Accepting the submission, without going into the merits of the case, this Court directs the trial Court to dispose of the case in S.T.C.No.263 within a period of six months from the date of receipt of a copy of this order. After the charges are framed, her presence before the trial Court shall be dispensed with, on condition that she shall file an affidavit before the trial Court that she will not dispute her identity and that, her counsel will cross-examine the witnesses when they examined in-chief, as held by the Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MLJ [Crl] 288. The petitioner shall present before the trial Court for receiving copies under

Section 207 Cr.P.C., for answering charges, for questioning under Section 313 Cr.P.C. and on the date of judgment. For other hearings, if the petitioner filed an application under Section 317 Cr.P.C., the same shall be liberally construed. If the accused adopts any dilatory tactics, the trial Court shall insist upon the presence of the accused. If the accused absconds, a fresh FIR can be registered against her under Section 229-A of IPC.

5. In view of the above direction, this petition is disposed of. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate,
Ambur, Vellore District
2. Do Thro The Judicial Magistrate,
Ambur, Vellore District

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GJ(CO)
SP(17/09/2018)

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