



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.08.2018
CORAM:
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.12366 of 2018
and
Crl.M.P.(MD) Nos.5609 and 5610 of 2018

Dhanalakshmi ...Petitioner/Respondent
Vs.

S.Lakshmanan ...Respondent/ Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in S.T.C.No.1275 of 2018 on the file of the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District and quash the proceedings initiated as against the petitioner herein.

For Petitioner : Mr.A.Thiruvadikumar

For Respondent : Mr.R.Karunanidhi
for Mr.B.Rajesh Saravanan

ORDER

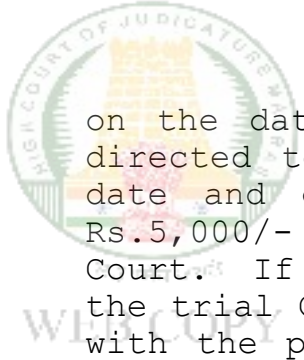
When the matter was taken up on merits, the learned counsel appearing for the petitioner sought permission of this Court to withdraw this Criminal Original Petition and he has also made an endoresment to that effect.

2.At this juncture, the learned counsel for the petitioner submitted that the presence of the petitioner before the trial Court may be dispensed with on the ground that she was working as Teacher in Cuddalore District and the case is pending before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District.

3.Mr.R.Karunanidhi, learned counsel for the respondent submitted that the presence of the petitioner can be dispensed with except on those days when she would be called for questioning and on the date of judgment.

4.Accepting the said submissions, the presence of the petitioner before the trial Court shall be dispensed with on condition that she shall be present at the time of questioning under Section 313 Cr.P.C and at time of passing judgment.

5.The petitioner is further directed to give an undertaking in the form of an affidavit to the learned counsel, who appears for her before the trial Court that she will cross-examine the witnesses



on the date they are examined in Chief. The petitioner is also directed to surrender before the trial Court in the next hearing date and execute a bond under Section 88 Cr.P.C for a sum of Rs.5,000/- without sureties undertaking to appear before the trial Court. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist for appearance of the petitioner and deal with the petitioner in accordance with the direction given by the Hon'ble Supreme Court in the case of State of Uttar Pradesh Vs. Shambhu Nath Singh reported in JT 2001(4) SC 319. There shall be a direction to the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District to dispose of the complaint as expeditiously as possible.

6. Accordingly, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate No.I,
Kovilpatti, Thoothukudi District.

+1CC to Mr.A.Thiruvadikumar, Advocate, SR.No.78771
+1CC to Mr.B.Rajesh Saravanan, Advocate, SR.No.78848

Cr1.O.P.(MD).No.12366 of 2018
14.08.2018

CP
ES/SKN/RSK/SAR 3/07.09.2018/2P/4C