



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD)No.13313 of 2018

and

CrI.M.P.(MD)Nos.5992 & 5993 of 2018

Kavitha

... Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.
(Crime No.24 of 2016)

2. Nagalakshmi

... Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code to call for the entire records pertaining to the proceedings in C.C.No.28 of 2017 on the file of the learned Judicial Magistrate No.1, Sattur, Virudhunagar District and consequently, quash the same as against the petitioner.

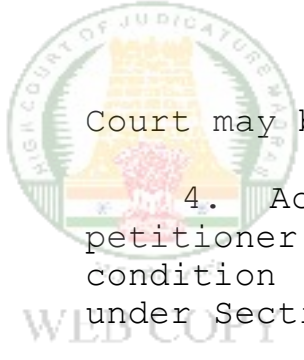
For Petitioner	: Mr.M.Jegadeesh Pandian
For R.1	: Mr.K.Suyambulinga Bharathi
	Government Advocate (CrI. side)

ORDER

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

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 Accordingly, this Criminal Original Petition is dismissed as withdrawn.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

3. At this juncture, the learned Counsel for the petitioner submitted that the presence of the petitioner before the Trial



Court may be dispensed with.

4. Accepting the said submission, 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 the time of passing judgment.

5. The petitioner is further directed to give an undertaking in the form of affidavit that the Counsel representing her will cross examine the prosecution witnesses on the day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for her appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, in **State of Uttar Pradesh Vs. Shambunath Singh**, reported in **JT 2001(4)s SC 319**.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate No.1,
Sattur, Virudhunagar District.
2. The Inspector of Police,
All Women Police Station,
Sattur, Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GK/DSK

TE/KAK/SAR-4 : 27/08/2018 : 2P/4C

Crl.O.P. (MD) No.13313 of 2018 and
Crl.M.P. (MD) Nos.5992 & 5993 of 2018
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