



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.13995 of 2018

and

Crl.M.p.(MD).Nos.6275 & 6276 of 2018

Kamatchi

...Petitioner / Sole-Accused

Vs.

1.State through

The Inspector of Police,

Aavudaiyar Kovil Police Station,

Pudukottai District.

...Respondent No.1/*De-jure* Complainant

2.Muthuvel

...Respondent No.2/*De-facto* complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the entire records connected with the proceedings in S.T.C.No.392 of 2015 on the file of the learned Judicial Magistrate Court, Aranthangi and quash the same.

For Petitioner :Mr.A.P.Balasubramanian

For R1

:Mr.K.Suyambulingabharathi

Government Advocate (Crl.Side).

O R D E R

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

2. At this juncture, the learned Counsel appearing for the petitioner submitted that the presence of the petitioner before the Trial Court may be dispensed with.

3. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that she shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 of Cr.P.C and at the time of passing judgment.

4. 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 dilatorious 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 reported in *JT 2001(4) SC 319-(State of Uttar Pradesh Vs. Shambunath Singh)*.

5. The learned Government Advocate (Crl. side) appearing for the State submits that the case is posted for appearance of the accused on 17.10.2018 and on that day, the petitioner is directed to appear before the Court below to receive copies. Thereafter, the above directions given to the petitioner shall be complied with strictly.

6. The Criminal original Petition is dismissed as withdrawn with the above directions. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar(CS III)

tsg

To

- 1.The Inspector of Police,
Aavudaiyar Kovil Police Station,
Pudukottai District.
- 2.The Judicial Magistrate Court, Aranthangi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. R. ALAGUMANI, ADVOCATE SR; 77796

KK(ES)
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Crl.O.P. (MD) .No.13995 of 2018
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