



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.02.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Cr1.O.P.[MD].No.2188 of 2020

and

Cr1.M.P.(MD)Nos.1112 and 1113 of 2020

Baby Rani : Petitioner/Sole Accused
Vs.

1.The State Rep. by its
The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
(Crime No.800 of 2016) ... Respondent/Complainant

2.Bright Singh ... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records pertaining to the case in S.T.C.No.3048 of 2019, on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the same as illegal.

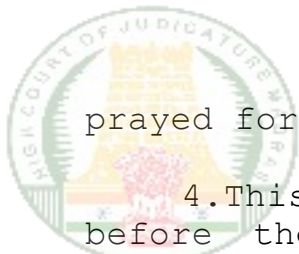
For Petitioner : Mr.G.Chandrasekar
For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in S.T.C.No.3048 of 2019, on the file of the learned Judicial Magistrate No.I, Virudhunagar.

2.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case with oblique motive. The respondent police conducted the investigation in a mechanical manner and filed the charge sheet as against the petitioner and hence, sought for quashment of the proceedings.

3.The learned Additional Public Prosecutor submitted that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges framed against the petitioner has to be gone into a full-fledged trial. Further, he submitted that the trial has also been commenced and hence, he



prayed for dismissal of the petition.

4.This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

5.At this juncture, the learned counsel appearing for the petitioner prayed that the personal appearance of the petitioner before the trial Court, may be dispensed with.

6.Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that she shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

7.The petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification. 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 **2001 (4) SCC 667**.

8.Accordingly, this Criminal Original Petition dismissed with a direction to the learned Judicial Magistrate No.I, Virudhunagar to complete the trial in S.T.C.No.3048 of 2019, within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.1112 of 2020 stands closed and Crl.M.P(MD) No.1113 of 2020 stands ordered.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate No.I, Virudhunagar.

2.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.CHANDRASEKAR, Advocate (SR-7830[F] dated
24/02/2020)

Crl.O.P.[MD].No.2188 of 2020
21.02.2020

VR(CO)
TR(09.03.2020)3P 5C