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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P.(MD)No.16278 Of 2016 and

CRL.M.P.(MD)No.7950 of 2016

R.Nagalakshmi

... Petitioner/Accused No.3

Vs.

1. The State rep. By,
The Inspector of Police,
E-3, Anna Nagar police station,
Madurai City.
(Crime No.1184 of 2014)

... Respondent/Complainant

2. Maheswari

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case in C.C.No.44 of 2015 on the file of the Judicial Magistrate, Additional Mahila Court, Madurai District and quash the same.

For Petitioner	: Mr.A.Kesavan
For R-1	: Mr.A.Robinson,
	Government Advocate(Crl. Side)
For R-2	: Mr.K.R.Laxman

O R D E R

Heard the learned counsel on either side.

2. The petitioner is facing trial in C.C.No.44 of 2015 on the file of the Judicial Magistrate/Additional Mahila Court, Madurai District, for the offences under Sections 294(b), 323, 324, 506(i) of I.P.C. r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

3. The case of the prosecution is that on the occurrence date, the accused attacked the defacto complainant and one of the accused partially bit off the complainant's ear. The complainant had undergone plastic surgery.

4. The petitioner's counsel after reiterating the contentions set out in the memorandum of grounds, contended that the petitioner had lost one of her limbs in a railway accident and that the averments set out in the final report against the petitioner are inherently improbable.

5. I am of the view that this is a factual aspect which will have to be considered only by the Court below. Therefore, leaving open all the contentions and the defences of the petitioner, the



criminal original petition stands dismissed.

6. However taking note of the disabilities suffered by the petitioner and the fact that the petitioner is a woman, her personal appearance before the Court below is dispensed with.

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7. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through her counsel. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.side)

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Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Additional Mahila Court, Madurai District.
2. The Inspector of Police,
E-3, Anna Nagar police station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-8360[F] dated 26/02/2020)

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25.02.2020

SMA/05/06/2020/2P/5C