

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2400 of 2021

and

Crl.M.P.Nos.1324 and 1325 of 2021

Mrs.Sulochana

... Petitioner

Vs.

1. State Represented

The Inspector of Police,  
Vedaranyam Police Station,  
Nagapattinam District.  
(Crime No.308 of 2018)

2. Mrs.Thangam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the entire records pertaining to proceedings in S.T.C.No.283 of 2019 pending on the files of the Judicial Magistrate, Vedaranyam and quash the same.

For Petitioner : Mr.Om Sai Ram

For Respondents : Mr. C.Raghavan  
Government Advocate

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 147, 447, 294(b), 427 and 506(i) of IPC.

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and she shall be represented by a counsel, who shall cross examine the

witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.283 of 2019 within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,  
Vedaranyam Police Station,  
Nagapattinam District.

2.The Judicial Magistrate,Vedaranyam

3. The Public Prosecutor,  
High Court, Madras.

nrl (CO)

A.SK(09/03/2021)

Cr1.O.P.No.2400 of 2021

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