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CRL.O.P.(MD)NO.19234 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.19234 of 2021 and

CRL.M.P. (MD)Nos.10730 & 10733 of 2021

Vijayalakshmi

... Petitioner / Accused No.4

Vs.

State rep. By,

1. The Inspector of Police,
Elumalai police station,
Madurai District.
(Crime No.1165 of 2020)

... 1st Respondent / Complainant

2. Sekar

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in C.C.No.75 of 2021 on the file of the Judicial Magistrate No.II, Usilampatti and quash the same as against the petitioner is concerned.

For Petitioner : Mr.C.Susi Kumar
For R-1 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

O R D E R

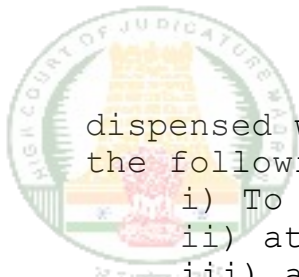
Heard the learned counsel on either side.

2. This criminal original petition has been filed for quashing the proceedings in C.C.No.75 of 2021 on the file of the Judicial Magistrate No.II, Usilampatti.

3. The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds.

4. Though they are quite persuasive, I am of the view that the petitioner has to establish her innocence only before the trial Court in a regular trial. All the contentions and the defences of the petitioner are left open. This criminal original petition is dismissed.

5. The petitioner is a woman and also aged about 41 years. Taking note of the facts and circumstances of this case, the personal appearance of the petitioner before the Court below is



dispensed with. However, she has to appear before the Court below on the following three occasions:-

- i) To answer the charges,
- ii) at the time of examination under Section 313 of Cr.P.C. and
- iii) at the time of pronouncement of Judgment.

The petitioner also will have to appear when her presence is insisted upon by the trial Court and on all other occasions, the petitioner can be represented by her counsel. If the petitioner's counsel also fails to appear, the benefit of this order will stand vacated automatically. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial Magistrate No.II,
Usilampatti, Madurai District.
2. The Inspector of Police,
Elumalai police station, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.19234 of 2021
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MGJ(17.12.2021) 2P 4C