



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4449 of 2022 and
Crl.M.P.Nos.2264 & 2266 of 2022

1.Selvam
2.Nagammal

...Petitioners/Accused

-Vs-

1.The State rep by
The Inspector of Police
Pallikarnai Police Station,
Chennai District. ...1st Respondent/Complainant
(Crime No.182 of 2014).

2.Vasantha ...2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in S.C.No.146 of 2021, on the file of the learned Sessions Judge, Mahila Court at Chengalpattu, and quash the same.

For Petitioner :Mr.Ali Hassan Khan

For Respondents :Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1.
No appearance for R2.

O R D E R

This petition has been filed to call for the records in S.C.No.146 of 2021, on the file of the learned Sessions Judge, Mahila Court, Chengalpattu and quash the same.

2. When the matter is taken up today, the learned counsel for the petitioner would submit that he is not pressing the prayer sought for. However, he would only pray that the presence of the petitioners before the Trial Court may be dispensed with and a direction may be issued to the trial Judge to dispose of the case as expeditiously as possible.



3. Accepting the said submission, the presence of the petitioners, before the trial Court shall be dispensed with on condition that the petitioners 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 judgement and whenever insisted upon by the trial court.

4. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event of their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with in accordance with the judgement of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.

5. Taking into consideration a limited prayer sought for, a direction is issued to the learned Sessions Judge, Mahila Court, Chengalpattu to dispose of the S.C.No.146 of 2021 as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

jas/tsh

To

1. The Sessions Judge,
Mahila Court,
Chengalpattu.



2.-Do- Thro The Principal Sessions Judge,
Chengalpattu.

3.The Inspector of Police
Pallikarnai Police Station,
Chennai District.

4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.4449 of 2022 and
Cr1.M.P.Nos.2264 & 2266 of 2022

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