



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.2233 of 2022

and

Crl.M.P. (MD) .No.1637 of 2022

Kevin Rani

...Petitioner/Sole Accused

Vs.

1.State Rep. by
The Inspector of Police,
Harbour Police Station,
Thoothukudi District.

...1st Respondent/Complainant

2.J.Nevisammal

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in C.C.No.158 of 2018 on the file of Judicial Magistrate No.II, Vilathikulam, Thoothukudi and quash the same as illegal.

For Petitioner
For R1

: Mr.S.M.Mohan Gandhi
: Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

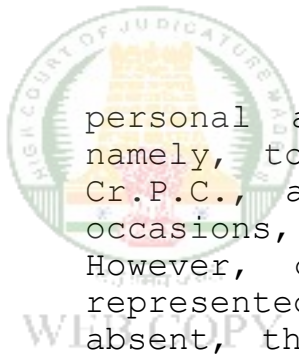
Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent.

2. This Criminal Original Petition has been filed to quash the impugned proceedings.

3. The learned counsel reiterated all the contentions set out in the memorandum of grounds.

4. Since in the statement recorded under 161 Cr.P.C., specific overt acts have attributed to the petitioner, I am not in a position to consider the contentions of the petitioner's counsel. Leaving open her defence, the Criminal Original Petition is dismissed. I take note of the fact that the petitioner is a 50 years old woman.

5. Taking into consideration the facts and circumstances of the case, the personal appearance of the petitioner before the Court below shall stand dispensed with. The Court below will insist on the



personal appearance of the petitioner only on three occasions namely, to answer the charges, examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing the personal appearance of the petitioner will stand automatically vacated. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Vilathikulam,
Thoothukudi District.
- 2.The Inspector of Police,
Harbour Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.2233 of 2022

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