



CrI.O.P.(MD) No.5114 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD) No.5114 of 2020

and

CrI.M.P.(MD) Nos.2941 and 2943 of 2020

Muthulakshmi,

: Petitioner

Vs

Balu,

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records in S.T.C.No. 08 of 2019, on the file of learned Judicial Magistrate, Kulithalai and quash the same.

For Petitioner : Mr.S.Krishnan

ORDER

This Criminal Original Petition had been filed seeking to quash the charge sheet in S.T.C.No. 08 of 2019, on the file of learned Judicial



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Magistrate, Kulithalai.

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2. When the matter is taken up for hearing, the learned Counsel appearing for the petitioner would submit that since the trial had already been commenced. It would be suffice, if the trial Court is directed to dispose of the case within a time stipulated.

3. Considering the submission made by the learned Counsel appearing for the petitioner and also the fact that the trial in S.T.C.No.08 of 2019 is at part heard stage, the learned Judicial Magistrate, Kulithalai, is directed to complete the trial in S.T.C.No.08 of 2019 and dispose of the same as expeditiously as possible, preferably, within a period of three months, from the date of receipt of a copy of this order.

4. With the above direction, this Criminal Original Petition stands disposed of.

5. Considering the facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is ordered to be dispensed



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with, on conditions that she shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on the hearings, specifically directed by the trial court. The petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for her appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

6. Consequently, connected miscellaneous petitions are closed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

1. The Judicial Magistrate, Kulithalai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

lr

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