



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD) No.8333 of 2022

WEB COPY

Premkumar

... Petitioner/2nd Accused

Vs.

1. The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai.

... 1st Respondent/Complainant

2. D.Sumathi

... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct to record the evidence of petitioner's daughter fourth accused who is currently residing in Japan through video conference directly by the trial Court Judicial Magistrate, Additional Mahila Court, Madurai in C.C.No.46/2016.

For Petitioner	:	Mr. K.Samidurai
For Respondents	:	Mr. R.M.Anbunithi,
No.R1		Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the record the evidence of petitioner's daughter fourth accused who is currently residing in Japan through video conference directly by the trial Court namely the learned Judicial Magistrate, Additional Mahila Court, Madurai in C.C.No.46 of 2016.

2. The petitioner is the second accused in CC No.46 of 2016 and her daughter is working in Japan and she is not able to visit India due to covid-19 pandemic situation and there are facing charges for the offence under Sections 498(A),294(b)406,506(i) of IPC and Section 4 of D.P.Act.

3. There are totally four accused in this case and except the daughter of the petitioner other accused persons are appearing before the Court. The prosecution has examined all the witnesses and the case stands posted for questioning under Section 313 of Cr.P.C. Due to covid-19 pandemic situation she could not come to India and as such she is seeking direction to record her statement under Section 313 of Cr.P.C through video conferencing. In this regard, the learned counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court of India in **2015 SCC Online**



Cal 1191, wherein the Hon'ble Supreme Court of India has issued certain guidelines for recording evidence through video conferencing directly by the trial Court.

4. Considering the above, the trial Court is directed to record the statement of the daughter of the petitioner herein for questioning under Section 313 of Cr.P.C alone through video conferencing. However the trial Court shall follow the following safeguards for the purpose of recording statement though video conferencing:

- a) the Court must be satisfied about the identity of the witness giving evidence through video conferencing,
- b) the Court will administer the oath to the witness before recording of the evidence,
- c) the witness must be examined during the working hours of the Indian Courts,
- d) the copy of the documents to be proved by the witnesses must be sent to the witness in advance,
- e) the Court must ensure that the witness is alone in the room of the Indian Embassy from where the witness is giving evidence through video conference
- f) The court must record the demeanour of the witness which is relevant for the purpose of evaluation of evidence of the witness.
- g) The recording of evidence of the witness once started through video conferencing must be continued on day to day basis till completion of recording of evidence of the said witness
- h) the trial Court can impose any other condition to ensure smooth recording of evidence of the witness through video conference.

5. Accordingly the petitioner is permitted. It is made clear that recording of statement of the fourth accused is permitted only for the purpose of recording of statement under Section 313 of Cr.P.C alone.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



To

1. The Inspector of Police,
All Women Police Station,
Madurai Town, Madurai.

2. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

Copy to :

The Judicial Magistrate,
Additional Mahila Court,
Madurai.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-22850[F] dated
29/04/2022)

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USK/01.06.2022/3P/5C