



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Sixteenth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.15736 of 2022
and
Crl.O.P.(MD)No.22272 of 2022

AMUTHA

... PETITIONER/PETITIONER.

Vs

1 THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
AUNDIPATTI POLICE STATION,
THENI DISTRICT.

2 M.MUNIYAMMAL

... RESPONDENTS/RESPONDENTS

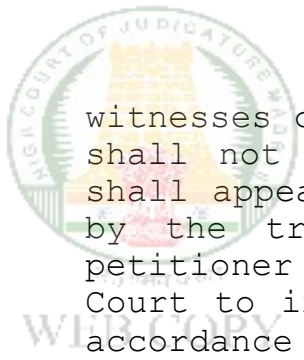
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the Petitioner in CC.No.110 of 2022 on the file of the Learned Judicial Magistrate Court,Aundipatti,Theni District pending disposal of above Criminal Original Petition.

Prayer in CRL OP(MD). 22272/ 2022 :

To call for the records relating to the impugned Charge Sheet in CC.No.110 of 2022 on the file of the Learned Judicial Magistrate Court,Aundipatti,Theni District and quash the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PRABU.M, Advocate for the petitioner and of M/S.SS.MADHAVAN, Government Advocate(Crl.side) on behalf of the Respondent No.1, the court made the following order:-

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

sd/-

16/12/2022

/ TRUE COPY /

/12/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

lr

TO

1 THE JUDICIAL MAGISTRATE , AUNDIPATTI, THENI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3. THE SUB INSPECTOR OF POLICE
AUNDIPATTI POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PRABU M, Advocate (SR-15001[I] dated 16/12/2022)

ORDER

IN

Crl.M.P(MD)No.15736 of 2022
and

Crl.O.P.(MD)No.22272 of 2022
Date :16/12/2022

RK/VR/SAR-4 (26/12/2022) 2P/6C