



Crl.O.P.No.17153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.17153 of 2023
and Crl.M.P.Nos.11031 and 11032 of 2023**

Vijayalakshmi

.. Petitioner

Versus

P.Dhamodharan

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records connection of the proceedings in S.T.C / C.C.No.2605 of 2017 on the file of the learned Judicial Magistrate No.II, Salem, Salem District and quash the same by following this Criminal Original Petition.

For Petitioner : Mr.Rajendraprasad.K

ORDER

This petition has been filed seeking to quash the proceedings in S.T.C. / C.C.No.2605 of 2017 on the file of the learned Judicial Magistrate No.II, Salem.



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2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and she shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed off with a direction to the Court below to complete the proceedings in S.T.C. / C.C.No.2605 of 2017 within a period of three months from the date of



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receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]*.

If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand her to custody as per the judgment of the Hon'ble Supreme Court in *STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)*.

Consequently, connected miscellaneous petitions are also closed.

04.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Judicial Magistrate No.II,
Salem, Salem District.



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N.ANAND VENKATESH, J.

grs

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