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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.20526 of 2023

Akila

... Petitioner

Vs.

Dharmaraj

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in STC.No.414 of 2022 on the file of the Learned District Munsif cum Judicial Magistrate Court, Sendurai, Ariyalur district and transfer the same to the Learned Judicial Magistrate No.IV Tiruchirapalli.

For Petitioners : Mr.S.Mohamed Ansar

ORDER

This petition has been filed seeking for transfer of the case pending in STC.No.414 of 2022 on the file of the learned District Munsif cum Judicial Magistrate, Sendurai to any Court at Tiruchirapalli.

2.Heard the learned counsel for the petitioner and also carefully perused the



materials available on record.

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3.The petitioner has sought for the transfer mainly on the ground that she is suffering from locomotor disability on the left elbow and has 70% permanent physical impairment. In view of the same, the petitioner has expressed difficulty in travelling for nearly 120 Kms during every hearing.

4.The learned counsel for the petitioner submitted that the trial is yet to commence in this case.

5.Taking into consideration the facts and circumstances of the case and the ground that has been raised by the petitioner, this Court deems it fit to permit the petitioner to be represented through a counsel before the Court below.

6.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 judgement.

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7. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC.No.414 of 2022 within a period of four months from the date of 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 him 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)*.

08.09.2023

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

Neutral Citation : Yes/No

ssr

To

1. The District Munsif cum Judicial Magistrate Court,
Sendurai, Ariyalur district.



N.ANAND VENKATESH, J

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2. The Judicial Magistrate No.IV
Tiruchirapalli.

3.The Public Prosecutor,
High Court, Madras.

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