



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

Friday, the Sixth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.192 of 2023
in

Crl.O.P.(MD)No.270 of 2023

AMALAJOTHI

... PETITIONER/3RD ACCUSED

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.171/2021).

...1ST RESPONDENT/COMPLAINANT

2 SAROJINI

...2ND RESPONDENT/
DEFACTO COMPLAINANT

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 of STC 467/2022 on the file of Judicial Magistrate No.I, Padmabhapuram in respect of petitioner pending disposal of the present Criminal Original Petition.

Prayer in CRL OP(MD). 270/ 2023 :

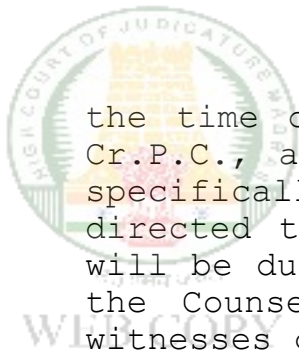
To call for the records relating to the Charge Sheet in STC No.467/2022 pending on the file of Judicial Magistrate No.I, Padmanabhapuram and quash the same in respect of the petitioner herein.

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.NARAYANAKUMAR K P, Advocate for the petitioner and of M/S.M.MUTHUMANIKKAM, Government Advocate(Crl.side) on behalf of the Respondent No.1, the court made the following order:-

Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

2.Considering the facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is dispensed with, on conditions that she shall appear at

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the time of initial questioning, proceedings under Section 167 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/-

06/01/2023

/ TRUE COPY /

/01/2023

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

lr

TO

1.THE JUDICIAL MAGISTRATE NO.I, PADMANABHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI.

3 THE INSPECTOR OF POLICE
KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.NARAYANAKUMAR K P , Advocate (SR-424[I] dated
09/01/2023)

ORDER

IN

CrI.M.P(MD)No.192 of 2023
in

CrI.O.P.(MD)No.270 of 2023

Date :06/01/2023

RK/MMS/SAR-3 (19/01/2023) 2P/6C