



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

Tuesday, the Tenth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.382 of 2023
in
CRL OP(MD) No.443 of 2023

M.TAMILSELVI

... PETITIONER/PETITIONER

Vs

K.BALU

... RESPONDENT/COMPLAINANT

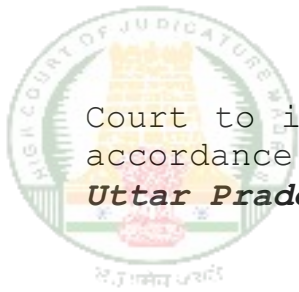
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the petitioner in STC No. 173/2022 pending on the file of the Fast Track Court (Magisterial Level) Uthamapalayam, Theni District.

Prayer in CRL OP(MD). 443/ 2023 :

To quash the summary trial case pending in S.T.C No. 173 of 2022 on the file of the Fast Track Court (Magisterial Level), Uthamapalayam, Theni District.

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.SEVUGARAJA.R, Advocate for the petitioner and of and the respondent not appearing either in person or by an advocate, 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



CRL MP(MD)



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Court to insist for her appearance and deal with the petition 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/-

10/01/2023

WEB COPY

/ TRUE COPY /

/01/2023

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT,
UTHAMAPALAYAM,
THENI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

ORDER

IN

CRL MP(MD) No.382 of 2023
in

CRL OP(MD) No.443 of 2023

Date :10/01/2023

PKP/SSS/SAR-1/23.01.2023/2P/3C