



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

Wednesday, the Eleventh day of January Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.508 of 2023
IN CRL OP(MD).547 OF 2023

ANNALAKSHMI

... PETITIONER/ACCUSED PERSON

Vs

1 THE INSPECTOR OF POLICE
THATCHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

CRIME NO. 57/2022 ... 1st Respondent / Complainant

2 ARUMUGAM

... 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 petitioners before the Trial Court in S.T.C No. 5759 of 2022 on the file of the Judicial Magistrate No.IV, Tirunelveli District pending disposal of the above quash petition

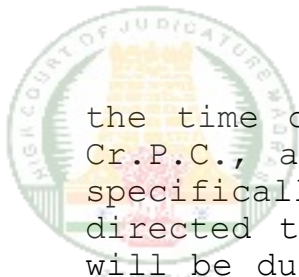
Prayer in CRL OP(MD). 547/ 2023 :

To call for the records pertaining to in S.T.C No. 5759 of 2022 on the file of the Judicial Magistrate No.IV, Tirunelveli District in Crime No. 57 of 2022 on the file of the 1st respondent police and quash the same as illegal.

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.ANTO PRINCE G, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Govt. Advocate(Crl. side) on behalf of the 1st espondent 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
<https://www.mca.gov.in/judis> be dispensed with, on conditions that she shall appear at



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/-

11/01/2023

/ TRUE COPY /

/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
THATCHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.508 of 2023

IN CRL OP(MD).547 OF 2023

Date :11/01/2023

TR/BUC/SAR-I (23.01.2023) 2P 5C