



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Original Jurisdiction

Thursday, the Second day of February Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) . No.1718 of 2023

in

CRL OP(MD)1946 of 2023

Muthulakshmi ... Petitioner/Petitioner/Accused NO.2

Vs

1 The Inspector of Police
South Gate Police Station
Madurai.
Crime No. 163 of 2022.

... Respondent/Respondent/Complainant

2 Senthilkumar ... Respondent/Respondent
/ Defacto Complainant

Prayer :- CRL MP(MD) . No.1718 of 2023

Criminal Miscellaneous Petition filed under section 482 of Cr.p.c. To pass an order to dispense with the personal appearance of the petitioner in connection with the case in C.C.No.2034 of 2022 on the file of the learned Judicial Magistrate No.IV,Madurai until dispose of main quash petition.

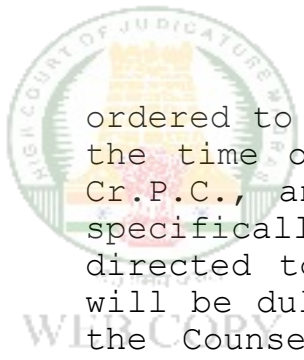
Prayer in CRL OP(MD) . 1946/ 2023 :

Criminal Original Petition filed under section 482 of Cr.p.c. To call for the records and quash the final report pertaining to the case in C.C.No.2034 of 2022 on the file of the learned Judicial Magistrate No.IV,Madurai and quash the same

ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.Venkatesan Advocate for the Petitioner and of Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor for the 1st Respondent, this Court made the following order:

Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor 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



ordered to be dispensed with, on conditions that she shall 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 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/-

Assistant Registrar(CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

TO

1. The Judicial Magistrate No.IV,
Madurai
2. The Inspector of Police
South Gate Police Station
Madurai.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 02/02/2023

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ORDER

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CRL MP(MD). No.1718 of 2023

in

CRL OP(MD)1946 of 2023

Giving direction and etc.

as stated within.

KB(28.02.2023) 2P 4C