



Crl.O.P.(MD) No.2585 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD) No.2585 of 2023

and

CrI.M.P.(MD) Nos.2326 and 2328 of 2023

Kalaivani Manickavasagam,

: Petitioner

Vs

Gunasekaran,

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the case in STC.No.267 of 2020 on the file of learned Judicial Magistrate, Fast Track Court at Magistrate Level at Karur and quash the same as illegal.

For Petitioner : Mr.V.Selvakumar

ORDER

This criminal original petition has been filed seeking to quash the case in STC.No.267 of 2020 on the file of learned Judicial Magistrate, Fast Track Court at Magistrate Level at Karur.



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2. The learned Counsel appearing for the petitioner would submit that it would be suffice if the appearance of the petitioner is dispensed with.

3. Recording the said submission and also taking note of the limited prayer sought for and also the fact that the case is pending from the year 2020, the learned Judicial Magistrate, Fast Track Court at Magistrate Level at Karur, is directed to complete the trial as expeditiously as possible.

4. With the above direction, this criminal original petition is dismissed. Consequently, connected miscellaneous petition in Crl.M.P(MD)No. 2326 of 2023 is closed.

5. Considering the gender of the petitioner, the petition in Crl.M.P. (MD)No.2328 of 2023 is allowed and 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



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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*.

13.02.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
lr



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To

1. The Judicial Magistrate,
Fast Track Court at Magistrate Level,
Karur.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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