



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

Tuesday, the Twenty Eighth day of February Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2883 of 2023
in
CRL OP(MD) No.3149 of 2023

RANI

... Petitioner /
Accused no.2

Vs

1 STATE REP BY
THE DEPUTY SUPERINTENDENT OF POLICE,
ANDIPATTI SUB DIVISION,
THENI.

... 1st Respondent

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ANDIPATTI,
THENI.
(CRIME NO.19/2022).

... 2nd Respondent /
Complainant

3 S.KARTHIKA

... 3rd 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/accused no.2 in the case in Spl.SC.No.58/2022 on the file of the Special Court for SC/ST Act Cases (PCR), Theni till the disposal of the quash petition.

Prayer in CRL OP(MD). 3149/ 2023 :

To call for the records relating to the case in Spl.SC.No.58/22 on the file of the Special Court for SC/ST Act Cases (PCR), Theni and quash the same in respect of this petitioner/Accused No.2.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the

<https://www.judgement.in/> of M/S.S.G.L.RISHWANTH, Advocate for the petitioner and of



Mr.R.SIVAKUMAR, Government Advocate (Crl. side) on behalf of Respondents No.1 & 2 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 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/-
28/02/2023

/ TRUE COPY /

/03/2023

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

DAS

To

- 1.The Judge,
Special Court for SC/ST Act Cases (PCR),
Theni.
- 2.The Deputy Superintendent of Police,
Andipatti Sub Division,
Theni.
- 3.The Inspector of Police,
All Women Police Station,
Andipatti,
Theni.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL MP(MD)



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+1. C.C. to M/S.RISHWANTH S G L Advocate SR.No.3267(I), dated
02.03.2023

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ORDER

IN

CRL MP (MD) No.2883 of 2023

and

CRL OP (MD) No.3149 of 2023

Date :28/02/2023

ED/BUC/SAR-1 (13/03/2023) 3P 6C