



Crl.O.P(MD)No.4881 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.4881 of 2021

and

Crl.M.P(MD)No.2788 of 2021

R.Arul Rani Fernando

.. Petitioner/Accused

Vs.

R.Kanni Aarthi

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned summon dated 04.02.2021 in S.T.C.No.23 of 2021 issued by the learned Judicial Magistrate No.I(Fast Track Court at Magistrial Level), Madurai and to quash the same as illegal.

For Petitioner : Mr.S.Sankarapandian

For Respondent : No appearance



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ORDER

When the matter is taken up for hearing, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition with liberty to raise all the points before the trial Court and he seeks indulgence of this Court to dispense with the personal appearance before the trial Court. He has also made an endorsement to that effect.

2. Recording the said endorsement, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed. Further, this Court directs the learned Judicial Magistrate No.I(Fast Track Court at Magistrial Level), Madurai, to dispose the case in S.T.C.No.23 of 2021 within a period of six months from the date of receipt of a copy of this order.

3. 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 the following conditions:



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(i) The petitioner is directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates.

(ii) The petitioner shall not dispute the identity of the witnesses.

(iii) The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification.

(iv) If the petitioner adopt 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*.

26.04.2023

NCC : Yes/No

Internet: Yes/No

Index : Yes/No

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K.K.RAMAKRISHNAN,J.

PJL

To
Judicial Magistrate No.I,
Fast Track Court at Magisterial Level,
Madurai.

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