



Crl.O.P(MD)No.10215 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD) No.10215 of 2021

and

Crl.M.P(MD)No.5231 of 2021

Indira .. Petitioner/Accused No.1

Vs.

1. The State rep., by,
The Inspector of Police,
District Crime Branch,
Tanjore.

.. 1st Respondent / Complainant

2. C.Rajagopalan

.. 2nd Respondent/De-facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records in C.C.No.45 of 2020 on the file of the
learned Judicial Magistrate No.I, Tanjore and quash the same.

For Petitioner : Mr.P.G.Santhosh Kumar

For Respondents : Mr.P.Kottaichamy
Government Advocate(Crl.Side)
for R1



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: Mr.N.Manoharan
for R2

ORDER

When the matter is taken up for hearing today, the learned counsel for the petitioner submitted that eventhough there are some arguable points in this petition, he seeks permission of this Court to raise all the points before the trial Court at the time of trial. He further submitted that considering the age of the petitioner, this Court may dispense with the appearance of the petitioner before the trial Court during trial. He also submitted that since this case is pending for a long period from 2014 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.

2. Considering the submission made by the petitioner, this Court is inclined to accept the request of the petitioner. Hence, this Criminal Original Petition is disposed of with the following directions.

1. The learned Judicial Magistrate No.I, Tanjore, is directed to dispose the case in C.C.No.45 of 2020 within a period of six months from the date of receipt of a copy of this order.



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2. The petitioner is hereby permitted to raise all the points before the trial Court.

3. The appearance of the petitioner is dispensed with before the trial Court on all hearing dates except the following hearings:

- (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
- (ii) The date of questioning under Section 313 Cr.P.C;
- (iii) On the date of Judgement.

3.1. 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.

3.2. The petitioner shall not dispute the identity of the witnesses.

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

3.4. 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 the Hon'ble Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported



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Consequently, connected miscellaneous petition is closed.

20.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PJL

To

1. The Judicial Magistrate No.I,
Tanjore.
2. The Inspector of Police,
District Crime Branch,
Tanjore.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

**Crl.O.P.(MD)No.10215 of 2021
and
Crl.M.P(MD)No.5231 of 2021**

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