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Crl.R.C.No.476 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.476 of 2024
and Crl.MP.Nos.4538 & 4539 of 2024

1. Yasar Arafath
2. Abbas
3. Fathima
4. Yasmeen
5. Mumtaj

... Petitioners

Vs.

1. The State Rep. by
The Inspector of Police,
All Women Police Station,
Tiruppur South, Tiruppur District.
(Crime No.2/2022)

2. Anusiya Begam
W/o.Yasar Arafath
20/27, Chellapapuram,
5th cross street,Tiruppur.

(R2 suo motu impleaded as per order dated 28.03.2024 in
Crl.Rc.No.476/2024 by this Court)

... Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records relating to the order made in Crl.MP.No.3507 of 2023 in CC.No.813 of 2022 dated



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31.08.2023 on the file of the Additional Mahila Court, Tiruppur,
Tiruppur District and set aside the same.

For Petitioner : Mr.C.Prakash

For Respondent : Mr.A.Gopinath,

Government Advocate (Crl. Side)

ORDER

This Criminal Revision case has been filed seeking quashment of the order made in Crl.MP.No.3507 of 2023 in CC.No.813 of 2022 dated 31.08.2023 on the file of the Additional Mahila Court, Tiruppur, Tiruppur District.

2. The petitioners are an accused in Cr.No.2 of 2022 on the file of the respondent and they filed charge sheet against the petitioners and the same was numbered as CC.No.813 of 2022 for the alleged offence under Section 498A, 323, 506(2) read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 read with Section 4 of Dowry Prohibition Act, 1961, in which, the petitioner filed a petition u/s. 239 of Cr.P.C. in Crl.MP.No.3507 of 2023, seeking to discharge them from the charges framed against them, which was dismissed by the trial,



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vide impugned order dated 31.08.2023. Challenging the same, the petitioners have filed the present revision.

3. Though very many grounds have been raised by the petitioners against the order impugned, however, when the matter is taken up for hearing today, the learned counsel appearing for the petitioners submitted that the petitioners would contest the case before the trial Court and this Court, without going into the merits of the case may dispense with the appearance of the petitioner before the trial court.

4. Though such a prayer has been sought for, however, it is to be pointed out that the presence of the petitioners cannot be dispensed with in toto. In such view of the matter, this Court, without going into the merits of the case, direct that the appearance of the petitioners before the trial court is dispensed with except for his appearance for the purpose of receiving copies u/s.207 and questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial



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court, at its wisdom, shall direct his appearance on those days.

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5. Accordingly, this Criminal Revision Case is dismissed.

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Index: Yes/No
Speaking/Non-Speaking order
Rli

To

1. The Inspector of Police,
All Women Police Station,
Tiruppur South, Tiruppur District.

2. The Additional Mahila Court,
Tiruppur, Tiruppur District.

3. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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