



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P Nos.2297 & 2299 of 2024
and CRL.M.P Nos.1673 & 1675 of 2024

Sathishkumar

...Petitioner
in Crl.O.P.No.2297 of 2024

S.Priya

...Petitioner
in Crl.O.P.No.2299 of 2024

Vs.

Thiyagarajan

...Respondent
in both Crl.O.Ps

COMMON PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the impugned order passed by the Judicial Magistrate Court II, Kancheepuram in Crl.M.P.2970/2023 in CC.No.184/2022 and Crl.M.P.2970/2023 in CC.No.185/2022, respectively dated 28.11.2023 and to dispense with the personal attendance of the petitioner and permit the petitioner to appear through her pleader.

For Petitioner : Mr.G.S.Balamurugan



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ORDER

These petitions have been filed challenging the order passed by the Court below dismissing the application filed under Section 205 of Cr.P.C., to dispense with the appearance of the petitioners and to permit the petitioners to be represented through a counsel.

2.This Court has carefully considered the submissions made by the learned counsel for the petitioners and also the materials available on record.

3.The petitioners earlier filed Crl.O.P.Nos.1507 and 1508 of 2023 before this Court seeking for transfer of the case from the learned Judicial Magistrate-II, Kancheepuram to learned Judicial Magistrate Court at Thiruvottriyur. These transfer petitions were dismissed by an order dated 30.01.2023.

4.The main ground that was raised by the petitioners to seek for dispensing with their appearance is that the respondent is an Advocate who is practicing in the same Court and that the petitioners have been subjected to threat and therefore, the petitioners are not in a position to make their personal appearance to conduct the case. That apart, the petitioners are willing to appear



before the Court below as and when required and that the petitioners must be permitted to be represented through a counsel. It was further contended that the petitioners will have to travel every time from Thiruvannamalai to Kancheepuram to attend the hearing. The Court below dismissed the application filed under Section 205 of Cr.P.C., mainly on the ground that the petitioners are only trying to drag on the proceedings and that there are no sufficient grounds to dispense with the appearance of the petitioners.

5.The learned counsel for the petitioners submitted that the case is now at the stage of examination of PW1 and the case had been adjourned twelve times for filing proof affidavit. The learned counsel further submitted that the petitioners will not drag on with the case and that they will appear before the Court as and when required and that the petitioners must be permitted to be represented through a counsel.

6.Taking into consideration the facts and circumstances of the case and the ground that has been raised by the petitioners, the petitioners shall be permitted to be represented through a counsel before the Court below. The petitioner in CrI.O.P.No.2297 of 2024 shall be present before the Court below as and when required by the Court below and he shall be represented through a



counsel. Insofar as the CrI.O.P.No.2299 of 2024 is concerned, she shall be present before the Court at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the final judgment. On all the other hearings, she shall be represented by a counsel. The counsel representing the petitioner shall cross-examine the witnesses on the same day they are examined in chief and that no dilatory tactics will be adopted by the petitioners. The petitioners are directed to execute a bond under Section 88 of Cr.P.C., before the Court below.

7. These criminal original petitions are disposed of in the above terms and there shall be a direction to the Court below to dispose of C.C.Nos.184 and 185 of 2022, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

08.02.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr



To

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- 1.The Judicial Magistrate Court II, Kancheepuram.
- 2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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