



Crl.O.P.(MD) No.21065 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD). No.21065 of 2024

and

Crl.M.P.(MD).Nos.13058 and 13059 of 2024

Vinitha

... Petitioner

Vs.

1.The Inspector of Police,
Palani Town Police Station,
Dindigul District.
(Crime No.381 of 2022)

2.Balaji

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of B.N.S.S., praying to call for the records in connection with the impugned trial proceedings in S.C.No.131 of 2023, pending trial on the file of the learned Additional District and Sessions Judge, Palani and quash the same as against the petitioner alone.



Crl.O.P.(MD) No.21065 of 2024

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.K.Sanjai Gandhi (for R1)
Government Advocate(Crl.Side)

ORDER

This petition has been filed to quash the the impugned trial proceedings in S.C.No.131 of 2023, on the file of the learned Additional District and Sessions Judge, Palani, as against the petitioner alone.

2.The case of the prosecution is that the deceased Jeyasamantha was a tenant in the building owned by the second respondent, engaged in blouse Aari work. The petitioner was also engaged in the same profession in Palani. During COVID-19 pandemic, the deceased returned to her native place West Bengal, leaving her business. During this period, one Nirmal Kumar Tiger, an associate of the deceased entered into a professional contract with the petitioner. Due to which, frequent wrangle arose between the deceased and the petitioner. Thereafter, on 20.08.2020, at about 11.50 p.m., A1, who is the petitioner's husband, and other accused were said to have conspired together and went to the house of the deceased and assaulted her with knife, thereby, she sustained



Crl.O.P.(MD) No.21065 of 2024

grievous injuries and died on the spot. Hence, the second respondent gave a complaint before the first respondent Police. On the basis of the complaint given by the second respondent, the first respondent Police registered a case in Crime No.381 of 2021. After completion of investigation, the first respondent Police filed a final report and the same was taken on file in S.C.No.131 of 2023 by the learned Additional District and Sessions Judge, Palani. Challenging the same, the present criminal original petition is filed.

3.The learned Government Advocate (Crl. Side) appearing for the first respondent Police submitted that the trial Court has posted the case for examination of L.W.1 to L.W.3.

4.Today, when the matter was taken up for hearing, the learned counsel for the petitioner sought permission of this Court to withdraw this petition and he also made an endorsement to that effect. He further requested this Court to dispense with the appearance of the petitioner before the trial Court during trial.



Crl.O.P.(MD) No.21065 of 2024

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5.This Court is inclined to accept the request of the petitioner.

Hence, this petition is dismissed as withdrawn with the following directions:

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

- (i) during the course of the examination of the witnesses;
- (ii) The date of questioning under Section 313 Cr.P.C;
- (iii) On the date of Judgement.

5.1.1. 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.

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

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

5.1.4. 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



Crl.O.P.(MD) No.21065 of 2024

(4) SCC 667.

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Consequently, Crl.M.P.(MD).No.13059 of 2024 is ordered and Crl.M.P.
(MD)No.13058 of 2024 is closed.

03.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsg

To

- 1.The Additional District
and Sessions Judge,
Palani.
- 2.The Inspector of Police,
Palani Town Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD) No.21065 of 2024

K.K.RAMAKRISHNAN, J.

vsg

Crl.O.P(MD). No.21065 of 2024

03.12.2024