



Crl.R.C.(MD)No.232 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.232 of 2024

and

Crl.M.P.(MD)No.2602 of 2024

Dr.Sivakami

... Petitioner

Vs.

State rep. by its through
The Inspector of Police,
Eppothumvendran Police Station,
Thoothukudi,
Thoothukudi District.

... Respondent

PRAYER : Criminal Revision Petition filed under Sections 397 r/w 401 Cr.P.C., to call for the records and set aside the same order dated 15.02.2024 passed by the Mahalir Court (Fast Track) Thoothukudi in Crl.M.P.No.6523 of 2023 in S.C.No.254 of 2023.

For Petitioner : Mr.T.Indrachithu

For Respondent : Mrs.M.Aasha
Government Advocate (Crl. Side)



Crl.R.C.(MD)No.232 of 2024

WEB COPY

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.6523 of 2023 in S.C.No.254 of 2023 dated 15.02.2024 on the file of the Mahalir Court (Fast Track), Thoothukudi, dismissing the discharge petition.

2. The petitioner, who is the sixth accused, is facing a case in S.C.No.254 of 2023 for the offences under Sections 147, 417, 420 and 313 IPC.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this revision and he has also made an endorsement to that effect and would submit that appearance of the petitioner, who is a Doctor, may be dispensed with before the trial Court.

4. It is evident from the records that the case is pending from 2023 onwards and according to the learned Government Advocate (Criminal Side), since this revision is pending, trial is yet to be commenced.



Crl.R.C.(MD)/No.232 of 2024

WEB COPY

5. Taking note of the submission made by the learned counsel appearing for the petitioner, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that she shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all the hearings, specifically directed by the trial court. The petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification. 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 (4) SCC 667*.

6. In view of the endorsement made by the learned counsel appearing for the petitioner, this Criminal Revision Case is dismissed as



Crl.R.C.(MD)No.232 of 2024

withdrawn. Consequently, connected Miscellaneous Petition is closed.

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No costs.

03.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Sessions Judge,
Mahalir Court (Fast Track),
Thoothukudi.
- 2.The Inspector of Police,
Eppothumvendran Police Station,
Thoothukudi,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD)No.232 of 2024



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Crl.R.C.(MD)No.232 of 2024

K.MURALI SHANKAR,J.

csn

Order made in
Crl.R.C.(MD)No.232 of 2024
and
Crl.M.P.(MD)No.2602 of 2024

Dated: 03.03.2025