



CrI.O.P.(MD)No.19617 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.19617 of 2022

and

CrI.M.P.(MD) Nos.13432 and 13433 of 2022

M.Chelladurai

... Petitioner /Accused

Vs.

Jasmine

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the S.T.C. No.120 of 2022 on the file of the learned Judicial Magistrate (Fast Track), Thoothukudi filed by the respondent/complainant and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R.M.Suresh

For Respondent : NA



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ORDER

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This petition has been filed challenging the proceedings pending in S.T.C. No.120 of 2022 on the file of the learned Judicial Magistrate (Fast Track), Thoothukudi

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and she shall be represented by a counsel. The petitioner shall be present before the Court at the time of framing of charges and at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment. The counsel representing the petitioner shall



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cross examine the witnesses on the same day they are examined in Chief.

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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C. No. 120 of 2022, within a period of four months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab* [2015 (1) MLJ (Crl) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand her to custody as per the judgment of the Hon'ble Supreme Court in *STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH* (JT 2001 (4) SC 3191). Consequently, the connected miscellaneous petitions are also closed.

24.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
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The Judicial Magistrate (Fast Track),
Thoothukudi.



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N.ANAND VENKATESH,J.

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