

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

PRESENT: **P. Mathusuthanan**, B.A.,B.L.,
Principal Sessions Judge, Thanjavur.

Thursday, the 7th day of April, 2022
(Thiruvalluvarandu 2053 Sri Pilava Varudam Panguni Thingal 24th day)

Cr.M.P.No.1706/2022 in HRC No.2/2016
(CNR No.TNTJ010029242022)

Pasupathi, aged 42/2022,
Inspector of Police.

... Petitioner / Accused

Versus

Balathandapani

... Respondent / Complainant

This Criminal Miscellaneous Petition has been come up for final hearing before me today (07.04.2022) and upon hearing the arguments of Mr.R.Rajendran, Learned Advocate appearing for the Petitioner and of Mr.S.Sathiamoorthy, Learned Public Prosecutor appearing for the Respondent and upon perusing the available records and having stood over for consideration till this day, this court passed the following...

ORDER

1) The petitioner filed Criminal Miscellaneous Petition under section 205 of Cr.P.C. praying to exempt the presence of the petitioner from appearing before this Court in HRC No.2/2016.

2) **Brief averments of the petition are as follows:** The petitioner is working as Inspector of Police, Keezhaiyur Police Station in Nagapattinam District and there are so many criminal offences are occurring in the limit of that police station. So, the

presence of the petitioner is necessary in the above said police station. Apart from that, it is the duty of the petitioner to participate in the meetings conducted by her Department and to appear before Court for giving evidence as witness before Court. The respondent / complainant has filed the petition against this petitioner with false averments. The petitioner would appear before the Court, whenever ordered by this Court. Hence, she filed this petition to exempt her appearance in this case.

3) **Brief averments of the Counter are as follows:** The petitioner filed this petition in order to drag on the proceedings. Already the petitioner has filed a petition u/s 227 Cr.P.C. to discharge her from the case. The petitioner has not filed any documents showing her medical treatment. The petitioner may attend the court by obtaining permission to get a leave from her department. Hence, pleaded to dismiss the petition with costs.

4) Point for consideration in this petition is that

Whether the petition is to be allowed as prayed for?

5) **Point:** The Learned counsel appearing for the petitioner submitted that the petitioner is the Inspector of Police by profession and she is a woman and she is needed to attend all the conference to be held by the Police Department in and around Thanjavur District and also duty bounded to attend as a witness in various cases pending before various courts in and around Tamil Nadu. Hence, she requested to exempt the presence of the petitioner from appearing before this Court and permitting her to appear before Court through her counsel.

6) **Per contra**, the Learned Public Prosecutor submitted that in order to drag on the proceedings of this case, this petitioner herein filed the petition u/s 227 Cr.P.C. in the six years old case and subsequently, she has come forward with this application with intend to prolong the case endlessly. Hence, he strongly objected to allow this application.

7) Heard enquiry. Perused the records.

8) Admittedly, the petitioner is a woman Inspector of Police and it is needless to say that she has to attend the various courts in an around Tamil Nadu for the prosecution cases and also to attend the conference to be held by the Police Department. Hence, this court feels that appearance of the petitioner for every hearing is not at all necessary. Thus, considering the above said fact, this court is inclined to allow this petition subject to the fact that the petitioner shall be represented through her advocate and she shall appear before this Court, whenever this court to do so. Thus, the point is answered accordingly.

9) In the result, this petition is allowed subject to the fact that the petitioner shall be represented through her Advocate and she shall appear before this court, whenever this court to do so.

This Order is dictated by me to the Stenographer Grade-III of this Court, typed by her in Computer, corrected and pronounced by me in open court, this the 7th day of April, 2022.

(Sd) P. Mathusuthanan

Principal Sessions Judge,
Thanjavur.