

**Mt. Dhapu Vs. Rex**

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**SooperKanoon Citation :** [sooperkanoon.com/750729](http://sooperkanoon.com/750729)

**Court :** Rajasthan

**Decided On :** Aug-25-1949

**Reported in :** 1950CriLJ843

**Judge :** Atma Charan, J.C.

**Appellant :** Mt. Dhapu

**Respondent :** Rex

**Judgement :**

ORDER

Atma Charan, J.C.

1. Heard the parties.

2. It is a petty 'marpit' case in which the applicant along with her relations is said to have thrown stones at the complainant. The applicant is & 'pardanaBhin' woman, and her presence during the course of the complainant's evidence on this ground was dispensed with by the trial Court Under Section 205, Criminal P.C. The trial Court subsequently directed the applicant to present herself in person so that her statement be recorded Under Section 245, Criminal P.C. The applicant has come up in revision from this order of the trial Court,

3. The trial Court in its order has given no reasons to show as to why it thought it necessary to direct the applicant to appear in person for recording her statement

Under Section 2-15, Criminal P.C. The pleader who was appearing for her could have easily been asked to make the statement. It has been held from time to time by the Court that the provisions of Section 206, Criminal P.C. should be liberally construed in a country where so much prejudice exists against the appearance of women in public and where the procedural law is so frequently abused to gratify personal malice. The pleader for the applicant could have performed all the acts which devolved upon the applicant in the course of the trial, and could have answered the questions put to him by the trial Court in his examination under 3. 246, Criminal P.C. The nature of the case certainly is not such wherein the presence of the applicant in person should have been enforced by the trial Court. If there was any particular reason, then the trial Court should have mentioned it in its order.

4. The application in revision accordingly is allowed and the order of the trial Court directing the applicant to appear in person so that her statement be recorded is set aside. The applicant shall continue to remain exempted from personal appearance rules required under Section 366 (2), Criminal P.C.

5. This order shall also govern criminal Revisions Nos. 43 and 44 of 1949.

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