



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Third day of February Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6055 of 2019

IN

CRL OP(MD) No.9531 of 2019

1 BALAMURUGAN
2 RATHIN MALA
3 NEELA VENI
4 PALANI RANI
5 JOHN BRITTO
6 KALIMUTHU

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION, DINDIGUL DISTRICT
(CR.NO.580/2018)

2 ILAKIYA ... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of this petitioners in C.C.No.516 of 2018 dated 09.08.2018 on the file of the Learned Judicial Magistrate No.II, Dindigul.

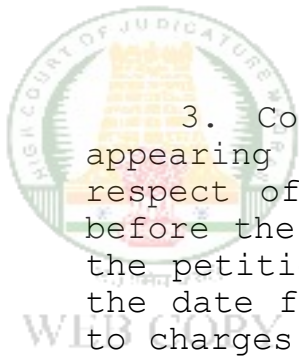
Prayer in CRL OP(MD). 9531/ 2019 :

To call for the records relating to the impugned charge sheet in C.C.No.516 of 2018 dated 09.08.2018 on the file of the Learned Judicial Magistrate II, Dindigul and quash the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.KRISHNA, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the 1st Respondent and none appeared either in person or by an Advocate on behalf of the 2nd respondent, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed praying to dispense with the personal appearance of the petitioners in C.C.No.516 of 2018, on the file of the learned Judicial Magistrate No.II, Dindigul.

2. The learned counsel for the petitioners would submit that the second petitioner is aged about 60 years, the third petitioner is aged about 65 years and the sixth petitioner is aged about 65 years and that considering the age of the second, third and sixth petitioners, their personal appearance before the trial Court may be dispensed with.



3. Considering the submissions made by the learned counsel appearing for the petitioners, this petition is ordered only in respect of the petitioners 2, 3 and 6 alone and their appearance before the trial Court is dispensed with for the present. Further, the petitioners 2, 3 and 6 shall present before the trial Court on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., at the time of passing judgment and whenever insisted upon by the trial Court.

4. The petitioners 2, 3 and 6 are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners 2, 3 and 6 shall not dispute the identity of the witnesses. The petitioners 2, 3 and 6 shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

5. This petition is dismissed insofar as the petitioners 1, 4, and 5 are concerned.

sd/-

03/02/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION, DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.6055 of 2019

IN

CRL OP(MD) No.9531 of 2019

Date :03/02/2022

SS/JM/SAR-IV/14.02.2022 : 2P/5C