



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

Monday, the Nineteenth day of December Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.15823 of 2022
in Crl.O.P.(MD)No.22386 of 2022

WEB COPY

1 REJILA

2 K.MURUGAN

... PETITIONERS/PETITIONERS/
ACCUSED NO.1 & 2

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
PUDUKADAI POLICE STATION,
PUDUKADAI,
KANYAKUMARI DISTRICT.
(CRIME NO.150/2017)

...RESPONDENT/1ST RESPONDENT/
COMPLAINANT

2 SUNDARA BAI

... RESPONDENT/2ND RESPONDENT/
DE FACTO COMPLAINANT

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 the Petitioners herein in connection with CC.No.775/2022 on the file of the Learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District in Crime No.150/2017 on the file of the Inspector of Police.

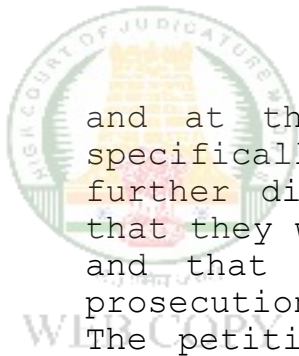
Prayer in CRL OP(MD). 22386/ 2022 :

To call for the records in relation to CC.No.775/2022 on the file of the Learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District in Crime No.150/2017 on the file of the Inspector of Police, Pudukadai Police station, Pudukadai.

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. PALANI VELAYUTHAM.S, Advocate for the petitioner and of M/S.M.MUTHUMANIKKAM, Government Advocate(Crl.side) on behalf of the Respondent No.1, the court made the following order:-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. Considering the facts and circumstances, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of questioning, proceedings under Section 313 of Cr.P.C.,



and at the time of passing judgment and on all the 1st, specifically directed by the trial court. The petitioners 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 shall not dispute the identity of the witnesses. The petitioners 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**.

sd/-

19/12/2022

/ TRUE COPY /

/12/2022

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

CSM

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI,
KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
PUDUKADAI POLICE STATION,
PUDUKADAI,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PALANI VELAYUTHAM, Advocate (SR-15177[I] dated 20/12/2022)

ORDER

IN

Crl.M.P. (MD) No.15823 of 2022
in Crl.O.P. (MD) No.22386 of 2022
Date :19/12/2022

RK/MMS/SAR-4 (26/12/2022) 2P/6C

<https://www.mhc.tn.gov.in/judis>