



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Tuesday, the Thirteenth day of December Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.15484 of 2022

in

Crl.O.P.(MD)No.21956 of 2022

1 ABDHUL VAHIDH

2 SEENIMOHAMAD

3 THANGAL MOHEMAD

4 CHANDRAN

... PETITIONERS / PETITIONERS

Vs

1 THE STATE REP.BY

THE INSPECTOR OF POLICE

EMANESWARAM POLICE STATION,

RAMANATHAPURAM DISTRICT.

CRIME NO.149 OF 2019.

2 M.BEERMOHEMAD

... 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 the Petitioners/Accused in CC.No.131 of 2020 on the file of the Judicial Magistrate,Paramakudi pending disposal above Quash Petition.

Prayer in CRL OP(MD). 21956/ 2022 :

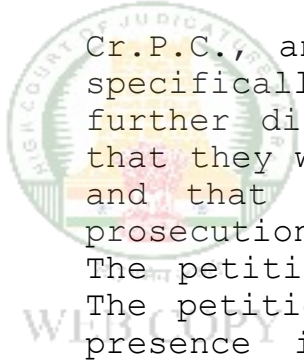
To call for the records relating to the Charge Sheet in CC.No.131 of 2020 on the file of the Judicial Magistrate,Paramakudi and quash the same.

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.SATHISH KUMAR K, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate(Crl.Side) on behalf of the 1st Respondent, the court made the following order:-

Heard both sides and perused the materials available on record.

2. Considering the facts and circumstances of the case, 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 initial questioning, proceedings under Section 313 of

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



Cr.P.C., and at the time of passing judgment and on the 13/12/2022, 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 adopt any dilatory 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/-
13/12/2022

/ TRUE COPY /

/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SATHISH KUMAR K, Advocate (SR-14782[I] dated
13/12/2022)

ORDER
IN
CrI.M.P.(MD)No.15484 of 2022
in
CrI.O.P.(MD)No.21956 of 2022
Date :13/12/2022

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MK/SSS/SAR 1/21.12.2022/2P/6C