



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

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

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.15889 of 2022
IN
CRL OP(MD) No.22485 of 2022

- 1 ANNAMANI
- 2 SANKARAPANDIAN
- 3 KARTHIKEYAN
- 4 VELLASAMY
- 5 THIRUMALAIYANDI
- 6 ARUNACHALAM NADAR
- 7 VANNIYARAJ @ RAJJIYAM
- 8 KATHIRESAN
- 9 MURUGAN @ PILLAYAR
- 10 ARUMUGASAMY @ ARUMUGAM
- 11 DHANARAJ
- 12 KATTURAJA
- 13 KARUPPAIAH
S/o.RAMASAMY NADAR
- 14 KARUPPIAH
S/o.ARUNACHALA NADAR
- 15 THANGASAMY @ KATHARIMULLI
- 16 MARIAPPAN @ KAMBILI
- 17 MARIAPPAN A.K.
- 18 ANNAPPAN



19 CHELLAPANDIAN

20 DEIVENDRAN

21 RAJAKANNAN @ KANNAN

... PETITIONERS/PETITIONERS

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Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
CR.NO.203/2021

... 1st RESPONDENT/1st RESPONDENT

2 DINESH BABU

... 2nd RESPONDENT/2nd RESPONDENT

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 in charge sheet in C.C.No.252/2022 on the file of the Additional District Munsif cum Judicial Magistrate Court, Sivagiri, Tenkasi District.

Prayer in CRL OP(MD) . 22485/ 2022 :

To call for the records and quash the proceedings of the charge sheet in C.C.No.252/2022 on the file of the Additional District Munsif cum Judicial Magistrate Court Sivagiri Tenkasi district.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.V.KATHIRVELU, Senior Advocate for M/S.PRABHU.K, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

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 Cr.P.C., and at the time of passing judgment and on the hearings, 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 dilatorical tactics, it



is open to the Trial Court to insist for their appearance 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/-

20/12/2022

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/ TRUE COPY /

/01/2023

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

TO

- 1 THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SIVAGIRI, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to MR. PRABHU.K Advocate SR.No.15202 (I) Date:20/12/2022.

ORDER

IN

CRL MP(MD) No.15889 of 2022

IN

CRL OP(MD) No.22485 of 2022

Date :20/12/2022

(2/6)

SA/BUC/SAR.4/04.01.2023/3P/6C