



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.15856 of 2022
IN
CRL OP(MD) No.22458 of 2022

1 M.A.M.RAJA
2 JENIFER RAJA
3 RAMKI

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

1 State Rep.by
THE SUB INSPECTOR OF POLICE
ALLINAGARAM POLICE SATION,
THENI.
(CRIME NO.414 OF 2014)

... RESPONDENT/COMPLAINANT

2 S.P.M.ARIFF RAHUMAN

... RESPONDENT/DE-FACTO COMPLAINANT

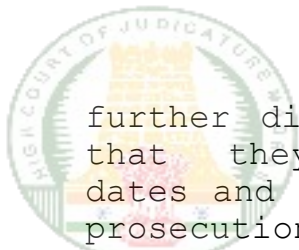
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with personal appearance of the petitioners/accused No.1 to 3 in S.T.C.No.2460 of 2019 on the file of the learned Judicial Magistrate, Theni pending disposal of the main quash petition.

Prayer in CRL OP(MD). 22458/ 2022 :

To call for the records in S.T.C.No.2460 of 2019 on the file of the learned Judicial Magistrate, Theni and quash the same against these petitioners only as illegal.

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.N.ANANTHAPADMANABHAN, Advocate for M/S.APN LAW ASSOCIATES for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Crl.Side) 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 , it 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 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/-

20/12/2022

/ TRUE COPY /

/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE, THENI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE, ALLINAGARAM POLICE STATION, THENI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.APN LAW ASSOCIATES Advocate SR.No.15181[I]

ORDER

IN

CRL MP(MD) No.15856 of 2022

IN

CRL OP(MD) No.22458 of 2022

Date :20/12/2022

RS/BUC/SAR.(02.01.2023) 2P-6C