



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

Friday, the Twenty Third day of December Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.16165 of 2022

IN

CRL OP(MD) No.22858 of 2022

1 SAHAYA SAROJA @ LATHA BERKMANS

2 BERKMANS

3 BENNISHA

4 SALONSA

5 AJIS

... PETITIONERS/PETITIONERS

Vs

JUDIS PRINCE SEERA

... RESPONDENT/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 personal appearance of the petitioners in C.C.No.356/2021 on the file of the Judicial Magistrate No.1, Nagercoil pending disposal of the above quash petition.

Prayer in CRL OP(MD) . 22858/ 2022 :

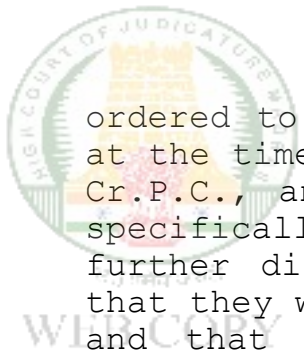
To call for the records relating to the impugned complaint in C.C.No.356/2021 on the file of JM No.1 Nagercoil quash the same and allow this Criminal Original Petition on the file of this Honourable Court.

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.JANAKIRAMULU V, Advocate for the petitioner, the court made the following order:-

Heard the learned Counsel appearing for the petitioners.

2.Considering the facts and circumstances of the case, the personal appearance of the petitioners before the trial Court is

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



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 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/-

23/12/2022

/ TRUE COPY /

/01/2023

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

lr

TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

ORDER IN

CRL MP(MD) No.16165 of 2022
IN

CRL OP(MD) No.22858 of 2022
Date :23/12/2022

SA/MMS/SAR.4/03.01.2023/2P/3C