



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

Monday, the Ninth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.296 of 2023
IN
CRL OP(MD) No.379 of 2023

1 ANNAMALAI

2 JAGANATHA RAJA

3 N.S.SUREKHA

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
KV NALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.50/2013).

... 1st RESPONDENT/COMPLAINANT

2 MUTHUPANDIAN

... 2nd RESPONDENT/DEFACTO 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/ accused nos.3 to 5 before the Judicial Magistrate Court, Sankarankovil in CC No.181/2021 pending disposal of the above quash petition.

PRAYER IN CRL OP(MD) .379/2023:

Pleased to call for the records relating to the proceedings of charge sheet in CC No.181/2021 on the file of Judicial Magistrate Court, Sankarankovil and to quash the same as against the Petitioners/Accused No.3 to 5.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Y.PRAKASH, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(crl.side) on behalf of the 1st Respondent, 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 initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all 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 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/-

09/01/2023

/ TRUE COPY /

/01/2023

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

CSM

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KV NALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.296 of 2023
IN
CRL OP(MD) No.379 of 2023
Date :09/01/2023
(2/2)

SA/BUC/SAR.3/20.01.2023/2P/5C

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