



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

Wednesday, the Eleventh day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.649 of 2023

IN

CRL OP(MD) No.703 of 2023

WEB COPY

1 PRINCE @ FRANCIES
2 VIJIN @ NIRMAL
3 GEORGE

... PETITIONERS/PETITIONERS

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.344/2019)

2 RAJESH

... 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/A2 to A4 herein before the learned Judicial Magistrate No.II, Padmanabhapuram in C.C.No.443/2022 pending disposal of the above set aside petition.

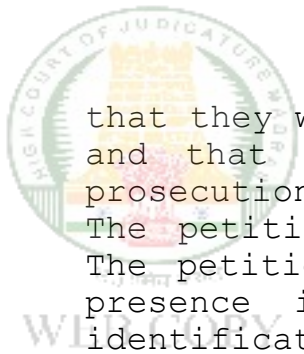
Prayer in CRL OP(MD) No.703/2023 :

To set aside the docket order of summoning the petitioners/A2 to A4 passed by the learned Judicial Magistrate No.II, Padmanabhapuram in C.C.No.443/2022 dated 07.10.2022.

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.NARAYANAKUMAR.K.P., Advocate for the petitioners and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

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 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 hear. 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/-

11/01/2023

/ 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.II,
PADMANABHAPURAM.

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

3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NARAYANAKUMAR.K.P., Advocate (SR-628[I] dated
11/01/2023)

ORDER IN

CRL MP(MD) No.649 of 2023
IN

CRL OP(MD) No.703 of 2023
Date :11/01/2023

RS/VR/SAR.2 (24.01.2023) 2P-6C