



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

Thursday, the Nineteenth day of January Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.782 of 2023

IN

CRL OP(MD) No.848 of 2023

1 K.ELIAS
2 F.SAROJA @ BABY SAROJA
3 E.NIRMAL SUBI @ NIRMAL SURABI
4 P.STALIN PRABHU

... PETITIONERS NO.2 TO 5
/ACCUSED PERSONS 2 TO 5

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
AWPS - MARTHANDAM,
KANYAKUMARI DISTRICT.

... 1ST RESPONDENT/COMPLAINANT

2 M.D.M.SHEELA PRIYADHARSHINI

... 2ND RESPONDENT
/DEFACTO COMPLAINANT

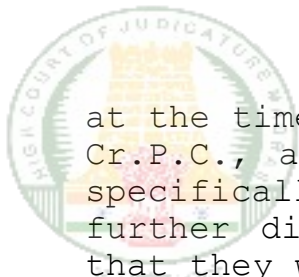
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the petitioners before the Trial court in C.C No. 253/2021 on the file of the Honble Judicial Magistrate I, Padmanabhapuram and pending disposal of the above quash petition

Prayer in CRL OP(MD). 848/ 2023 :

To call for the records pertaining to the charge sheet in C.C No. 253/2021 on the file of the Honble Judicial Magistrate I, Padmanabhapuram and quash the same against these petitioners 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 M/S.ANTO PRINCE.G, 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:-

Considering the facts and circumstances of the case, the personal appearance of the petitioners before the trial Court is
Order to be dispensed with, on conditions that they shall appear



at the time of initial questioning, proceedings under Section 167 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/-

19/01/2023

/ TRUE COPY /

/01/2023

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

das

TO

1 THE JUDICIAL MAGISTRATE NO.I, PADMANABHAPURAM.

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

3 THE INSPECTOR OF POLICE
AWPS MARTHANDAM, KANYAKUMARI DISTRICT.

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

+1. C.C. to M/S.ANTO PRINCE.G Advocate SR.No.854[I]

ORDER

IN

CRL MP(MD) No.782 of 2023

IN

CRL OP(MD) No.848 of 2023

Date :19/01/2023

RS/SSS/SAR.2(27.01.2023) 2P-6C

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