



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

Friday, the Third day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.1792 of 2023

in

Crl.O.P.(MD)No.2045 of 2023

1 RAJESH

2 JEYAN

3 MERLIN

4 PANIDHASAN

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.99 OF 2018.

2 MALBIN SOSSAI
PARISH PASTORAL COUNCIL,ST.LUCAS CHURCH,
ERAYUMANTHURAI,
KANYAKUMARI DISTRICT.

... 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/Accused No.1,3, 7 and 8 in charge sheet in C.C No. 552 of 2019 pending before the Learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District till the disposal of the instant Criminal Original Petition.

PRAYER IN Crl.O.P.(MD)No.2045 of 2023:

To call for the records pertaining to the charge sheet in C.C No. 552 of 2019 for offences, u/s 505(1)(b) of IPC and 67 of the Information Technology Act, 2000 pending before the Learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and quash the same as illegal as against the petitioners.

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.PANDI DORAI.J, Advocate for the petitioner and of
<https://www.mhcb.org.in/> of the Respondents 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 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/-

03/02/2023

/ TRUE COPY /

/02/2023

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

DAS

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI, KANYAKUMARI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.
3. THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

Crl.M.P. (MD) No.1792 of 2023
in

Crl.O.P. (MD) No.2045 of 2023
Date : 03/02/2023

RK/SSS/SAR-1 (08/02/2023) 2P/5C

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