



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1439 of 2023
in
CRL OP(MD) 1627 of 2023

1 AHAMED MOHIDEEN
2 SHAHUL HAMEED
3 MALUKKAMALI
4 KATCHI MOHAIDEEN
5 PITCHAI MOHIDEEN
6 KATTUBEEVI

... Petitiones/Accused No.1 to 6

Vs

The State rep.by,
THE INSPECTOR OF POLICE
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.

... 1st Respondent/ Defacto
Complainant

2 SYED AHAMED

.. 2nd Respondent/Complainant

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased todispense with the personal appearance of the petitioners/accused No.1 to 6 relating to the charge sheet in CC.No.410 of 2022 on the file of Judicial Magistrate Court, Cheranmahadevi pending disposal above quash petition.

Prayer in CRL OP(MD). 1627/ 2023 :

To call for records relating to the charge sheet in CC.No.410 of 2022 on the file of Judicial Magistrate Court, Cheranmahadevi quash the same as against the petitioners/accused no.1 to 6.

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.AJAYKOSE.C, Advocate for the petitioner and of Mr.A. SIVAKUMAR, Government Advocate(crl.side) on behalf of the Respondents the court made the following order:-

<https://www.mca21.com>



Considering the facts and circumstances of the case, the personal appearance of the petitioners 1, 2 and 6 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 1, 2 and 6 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 1, 2 and 6 shall not dispute the identity of the witnesses. The petitioners 1, 2 and 6 shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners 1, 2 and 6 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/-

30/01/2023

/ TRUE COPY /

/02/2023

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

DAS

TO

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

ORDER

IN

CRL MP(MD) No.1439 of 2023

Date :30/01/2023