



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

Wednesday, the First day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1623 of 2023
in
CRL OP(MD)No.1830 of 2023

1 VALARMATHI

2 MAHALAKSHMI

3 KURINJI THENE

4 BALSAMY

5 MANOKARAN

... PETITIONERS / ACCUSED No.1 to 5

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
(CRIME NO.202/2018).

...RESPONDENT/COMPLAINANT

2 SURIYA

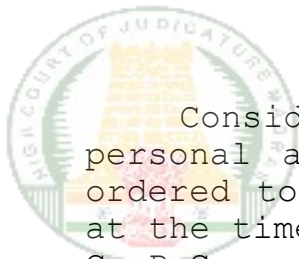
... RESPONDENT / DEFACTO COMPLAINANT

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 in CC No.84/2020 on the file of the Learned Judicial Magistrate No.II, Thanjavur pending disposal of the above quash petition.

Prayer in CRL OP(MD). 1830/ 2023 :

To call for the records pertaining to CC no.84/2020 on the file of the Learned Judicial Magistrate No.II, Thanjavur and quash the same.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.A.JAYARAMACHANDRAN, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHA, 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 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 dilatorious 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/-
01/02/2023

/ 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,
THANJAVUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.JAYARAMACHANDRAN A Advocate SR.No.1624(I)

ORDER
IN
CRL MP(MD) No.1623 of 2023
in
CRL OP(MD)No.1830 of 2023
Date :01/02/2023

PKP/SSS/SAR-3/08.02.2023/2P/6C

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