



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.1616 of 2023  
AND  
CRL OP(MD) NO.1818 of 2023

1 R.RAJESHWARI

2 S.RAMASAMY

3 M.THANGAVEL

4 K.KRISHNASAMI

5 M.ARUNA SANKAR

... PETITIONERS/  
ACCUSED NOS.1 TO 5

Vs

1 THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
THOOTHUKUDI DISTRICT.  
CRIME NO.4 OF 2022.

...RESPONDENT NO.1/COMPLAINANT

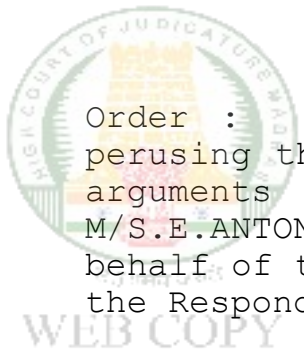
2 A.ATHINARAYANAN

... RESPONDENT NO.2/  
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/Accused No.1 to 5 in the case in CC.No.63 of 2022 on the file of the Judicial Magistrate/Special Court for Land Grabbing Cases, Thoothukudi District in Cr.No.4 of 2022 dt.13.1.2022 U/S.120B, 419,465,467,468,471,420 of IPC on the file of the Respondent No.1 pending disposal of the instant Criminal Original Petition.

Prayer in CRL OP(MD). 1818/ 2023 :

To call for the records pertaining to the impugned Charge Sheet in CC.No.63 of 2022 on the file of the Judicial Magistrate/Special Court for Land Grabbing Cases, Thoothukudi District in Cr.No.4 of 2022 dt.13.1.2022 U/s.120B, 419,465,467,468,471,420 of IPC on the file of the Respondent No.1 and quash the same as illegal.



Order : This petition coming up for orders on this date, on perusing the petition filed in support thereof and upon hearing the arguments of M/S.PINAYGASH I, Advocate for the petitioner and of M/S.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent No.1 and M/S.S.M.MOHAN GANDHI, Advocate for the Respondent No.2, the court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioners 1 to 4 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 to 4 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 to 4 shall not dispute the identity of the witnesses. The petitioners 1 to 4 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 to 4 adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 1 to 4 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/  
SPECIAL COURT FOR LAND GRABBING CASES,  
THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI.
3. THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
THOOTHUKUDI DISTRICT.

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



CRL MP(MD)



23

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

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ORDER  
IN  
CRL MP (MD) No.1616 of 2023  
AND  
CRL OP (MD) NO.1818 of 2023  
Date :01/02/2023

RK/SSS/SAR-3 (09/02/2023) 4P/5C