



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

Monday, the Sixth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P. (MD) No.1874 of 2023

in

Crl.O.P. (MD) No.2166 of 2023

1 MUTHULAKSHMI @ MAHALAKSHMI

2 MARISELVI

3 LATHA

... PETITIONERS/PETITIONERS/
ACCUSED NO.1 TO 3

Vs

1 THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.75 OF 2022)

...RESPONDENT/RESPONDENT/COMPLAINANT

2 PANDI

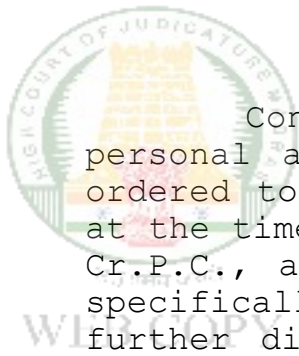
...2ND RESPONDENT/2ND RESPONDENT/
DEFACTO COMPLAINANT

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 persona appearance of the petitioners before the trial proceedings in connection with the case in STC No.534 of 2022 on the file of the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District, pending disposal of the above Quash Petition.

Prayer in CRL OP(MD). 2166/ 2023 :

To call for the records bearing in STC No.534 of 2022 on the file of the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar District and quash the same as against the petitioners and devoid of merits.

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.JEGADEESHPANDIAN.M, Advocate for the petitioner and of M/S.R.SIVAKUMAR, Government Advocate(Crl.side) on behalf of the Respondent No.1, 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/-
06/02/2023

/ 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. I, SIVAKASI, VIRUDHUNAGAR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P. (MD) No.1874 of 2023
in
Crl.O.P. (MD) No.2166 of 2023
Date : 06/02/2023

RK/CG/SAR-2 (09/02/2023) 2P/5C