



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

Tuesday, the Seventh day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1962 of 2023

IN

CRL OP(MD) No.2222 of 2023

1 V.MERCY
2 T.ARULRAJA KUMAR
3 T.ARULJEYA KUMAR

... PETITIONER/PETITIONER

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
LAND GRABBING CELL, DCB,
KANYAKUMARI DISTRICT AT NAGERCOIL.
(CRIME NO.5 OF 2016)

2 SEBASTIAN

... RESPONDENT/RESPONDENT

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 petitioner in of CC.No.378 of 2020 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai in respect of petitioner pending disposal of the present criminal original petition.

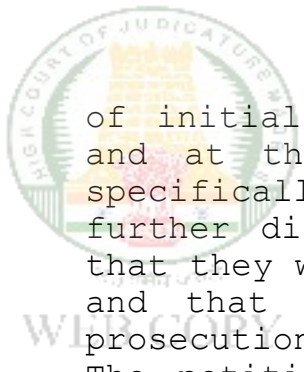
Prayer in CRL OP(MD). 2222/ 2023 :

To call for the records relating to proceedings in CC.No.378 of 2020 and quash the same in respect of 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.NARAYANAKUMAR.K.P, Advocate for the petitioners and of MR.R.SIVAKUMAR, Government Advocate (Crl.Side) on behalf of the 1st Respondent the court made the following order:-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2.Considering the facts and circumstances, 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 ., and at the time of passing judgment and on all 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 adopts 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/-

07/02/2023

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

csm

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, LAND GRABBING CELL,
DISTRICT CRIME BRANCH, KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.NARAYANAKUMAR.K.P Advocate SR.No.1924[I]

ORDER

IN

CRL MP(MD) No.1962 of 2023

IN

CRL OP(MD) No.2222 of 2023

Date :07/02/2023

RS/SB/SAR.2(14.02.2023) 2P-6C