



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

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

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2783 of 2023
in
CRL OP(MD) No.3026 of 2023

1 KANGARAJ

2 JEYA

3 JEYA CHITHRA

4 PRAKALTHAN

5 VANAJA @ SUDHA

6 LAZER

... Petitioners /
Accused No.2 to 7

Vs

1 STATE THROUGH
THE INSPECTOR OF POLICE
AWPS, MARTHANDAM
KANYAKUMARI DISTRICT.
(IN CRIME NO. 38 OF 2020)

... 1st Respondent / Complainant

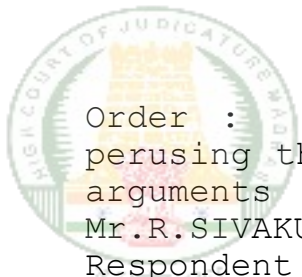
2 SHAMINI

... 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 personal appearance of the petitioners before the Judicial Magistrate No.I, Kuzhithurai in C.C No. 47 of 2022 pending disposal of the above this Crl O.P.

Prayer in CRL OP(MD). 3026/ 2023 :

To call for the records in C.C No. 47 of 2022 pending on the file of the Judicial Magistrate No.I, Kuzhithurai and to quash the same in so far as the petitioners / Accused No.2 to 7 is concerned.



Order : This petition coming up for orders on this case, on perusing the petition filed in support thereof and upon hearing the arguments of M/S.RAJAMOHAN.R, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate (Crl. side) on behalf of the Respondent No.1 the court made the following order:-

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"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/-

28/02/2023

/ TRUE COPY /

/03/2023

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

das

TO

1.The Judicial Magistrate No.I,
Kuzhithurai.

2.Do-through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
AWPS, Marthandam,
Kanyakumari District.

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



CRL MP(MD)



23

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S.RAJAMOHAN.R Advocate SR.No.3058

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ORDER

IN

CRL MP (MD) No.2783 of 2023

in

CRL OP (MD) No.3026 of 2023

Date :28/02/2023

ED/BUC/SAR-1 (08/03/2023) 3P 6C