



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2877 of 2023
in
CRL OP(MD) No.3143 of 2023

1 CHRISTU RAJ

2 VARGHESE

3 MARIYA RENJITHAM

... PETITIONERS/ACCUESD NOS. 1 TO 3

Vs

1 THE STATE REP BY,
THE SUB INSPECTOR OF POLICE
THUCKALAY POLICE STATION, THUCKALAY,
KANYAKUMARI DISTRICT

...RESPONDENT/COMPLAINANT

2 MONI BERLA

... RESPONDENT/DEFACTO COMPLAINANT

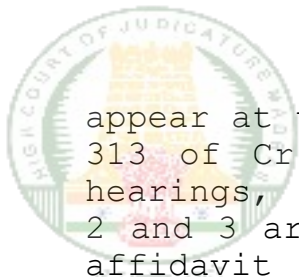
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioners in CC No.328 of 2022 on the file of the Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District pending disposal of this quash petition.

Prayer in CRL OP(MD). 3143/ 2023 :

To call for the records in charge sheet CC No.328 of 2022 on the file of the Judicial Magistrate No.I, Padmanabapuram, Kanyakumari District and quash the same.

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.CHRISTENSON JUGUNU.D, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Criminal Side) on behalf of the Respondents the court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioners 2 and 3 before the trial



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 2 and 3 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 2 and 3 shall not dispute the identity of the witnesses. The petitioners 2 and 3 shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners 2 and 3 adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 2 and 3 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.1,
PADMANABAPURAM,
KANYAKUMARI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
THUCKALAY, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.2877 of 2023
in
CRL OP(MD) No.3143 of 2023
Date :28/02/2023

PKP/CG/SAR-4/13.03.2023/ **2P/ 5C**

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