



Crl.O.P(MD) No.11882 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 03.07.2023

CORAM:

The Hon`ble Dr.Justice **D.NAGARJUN**

Crl.O.P.(MD)No.11882 of 2023

Ashiq ali

... Petitioner

Vs

The State represented by the
Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(In Crime No.03 of 2015)

... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate, Uthamapalayam to examine the petitioner through video conferencing considering his immobility in a trial pending in C.C.No.358 of 2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi
Senior counsel
for M/s.Gandhi Associates

For Respondent : Mr.S.S.Madhavan
Government Advocate (Crl.side)



Crl.O.P(MD) No.11882 of 2023

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ORDER

This Criminal Original Petition is filed seeking a direction from the learned Judicial Magistrate, Uthamapalayam, to examine the petitioner as L.W.1 in C.C.No.358 of 2020, pending on the file of the Judicial Magistrate Court, Uthamapalayam, registered for the offences, cognizance of which was taken under Section 294(b), 497 and 506(i) of IPC.

2. It is submitted by the learned counsel for the petitioner that the petitioner is a physically challenged person, residing in United States of America and in order to travel from USA to India, he requires the help of two or three persons and special arrangements, in the flight have to be made. Thereby he is not in a position to appear before the Court and give evidence, which is ripe for trial.

3. Considering the circumstances explained by the petitioner the learned Judicial Magistrate, Uthamapalayam is directed to record the evidence of the petitioner / /LW1, through Video Conference by



Crl.O.P(MD) No.11882 of 2023

following the procedures laid down under the Madrs High Court Video-Conferencing in Courts Rules, 2020 as per Gazette No.29, dated 15.07.2020.

4. With these observation, this Criminal Original Petition stands disposed of.

03.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Judicial Magistrate, Uthamapalayam.
- 2.The Inspector of Police, All Women Police Station, Uthamapalayam, Theni District. (In Crime No.03 of 2015)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

3/4



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Crl.O.P(MD) No.11882 of 2023

DR. D.NAGARJUN, J.

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