



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

Monday, the Ninth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.234 of 2023
IN CRL OP(MD).282 OF 2023

1 MANIVARAJAN

2 VANJIKODI

3 VIJAYaSANKARI

... PETITIONERS/PETITIONERS

Vs

1. THE STATE REP BY
THE SUB INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.

2 SELVI

... RESPONDENTS/RESPONDENTS

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 appearance of the petitioners in all further proceedings in C.C.No.1884 of 2022 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Madurai, pending disposal of the above criminal original petition.

Prayer in CRL OP(MD). 282 of 2023 :

To call for the records pertaining to C.C.No.1884 of 2022 pending on the file of the learned judicial magistrate, Additional mahila court, Madurai.

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. MUSTHAFAKHAN.M, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor for 1st Respondent the court made the following order:-

Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first

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2.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 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/-
09/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT, MADURAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE SUB INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.234 of 2023
IN CRL OP(MD).282 OF 2023
Date :09/01/2023

TR/BUC/SAR-II(12.01.2023) 2P 5C

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