



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

Thursday, the Fifth day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL MP (MD) No.124 of 2023

IN

CRL OP (MD) No.164 of 2023

1 THIYAGARAJAN

2 KARTHI

3 PARANGUSAM

4 RENUGA

5 NAGARAJAN

6 RENGARAJ

7 JOTHI

8 RAJMOHAN

9 GOVINDARAJ

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
MARUVUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 73/2019

2 LENIN

... 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 personal appearance of the petitioners / A1 to A9 before the Learned Judicial Magistrate Court, Thiruvaiyaru in C.C No. 128/2022 pending disposal of the above Criminal Original Petition.

PRAYER IN CRL OP(MD) .164/2023:

Pleased to call for the record relating to the proceedings of the charge sheet in C.C No. 128/2022 on the file of the learned Judicial Magistrate Court, thiruvaiyaru and may quash the same as illegal as against the petitioners / A1 to A9 herein.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and

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upon hearing the arguments of M/s.D.SARANYA, 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 Cr.P.C., 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/-

05/01/2023

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/01/2023

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

CSM

TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
MARUVUR POLICE STATION, THANJAVUR DISTRICT.

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

+1. C.C. to M/S. SARANYA.D Advocate SR.No.408

ORDER IN

CRL MP(MD) No.124 of 2023

IN CRL OP(MD) No.164 of 2023

Date :05/01/2023

SA/VR/SAR.1/10.01.2023/2P/6C

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