



Crl.M.P.(MD)No.899 of 2024

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

Friday, the Ninth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.899 of 2024

in

Crl.O.P.(MD)No.1296 of 2024

1 BASKARAN JOSEPH

2 SHANTHINI

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

AWPS PALAYAMKOTTAI POLICE STATION,

TIRUNELVELI CITY,

CRIME NO.21/2021

2 CHRISTINA RANJITHAM

... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous 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 impugned final report in CC.No.1800 of 2023 on the file of learned Judicial Magistrate Court No.V, Tirunelveli in Crime No.21/2021 dated 09.11.2021 on the file of the respondent no.1 till the disposal of the instant criminal original petition.



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Prayer in CRL OP(MD). 1296/ 2024 :

To call for the records pertaining to the impugned Final Report in CC.No.1800 of 2023 on the file of learned Judicial Magistrate Court No.V, Tirunelveli in Crime No.21/2021 dated 09.11.2021 on the file of the respondent no.1 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 MR.S.RAJASEKAR, Advocate for the petitioners and of MR.K.SANJAI GANDHI, Government Advocate (Crl.side) on behalf of the Respondent No.1, the court made the following order:-

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 he will be duly represented by a counsel on all hearing dates and that the Counsel representing him 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 petitioner in accordance with the judgment of



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Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in
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2001 (4) SCC 667.

sd/-
09/08/2024

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/08/2024

Sub-Assistant Registrar (CS-I/ III /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

TO

1.THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
AWPS PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY,

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

ORDER
IN

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in
CrI.O.P.(MD)No.1296 of 2024
Date :09/08/2024

RK/VR (24/08/2024) 3P / 5C

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