



CRL MP(MD) No.2365 of 2024

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

Tuesday, the Nineteenth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.2365 of 2024

in

CRL OP(MD)No.2983 of 2024

1 PARAMASIVAM

2 RATHICHANDRA

3 ARJUN

4 AJITH

... PETITIONERS/ACCUSED No.2 TO 5

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI DISTRICT.

CRIME NO.27/2023.

... 1st RESPONDENT/DEFACTO COMPLAINANT

2 AADHITYA

... 2nd RESPONDENT/COMPLAINANT

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/Accused No.2 to 5 relating to the charge sheet in CC No.467/2023 on file of the Additional Mahila Court, (Judicial Magistrate Level) Theni pending disposal above Quash Petition.



CRL MP(MD) No.2365 of 2024

Prayer in CRL OP(MD). 2983/ 2024 :

To call for records relating to the charge sheet in CC No.467/2023 on file of the Additional Mahila Court (Judicial Magistrate Level) Theni Quash the same as against the petitioners/ Accused No.2 to 5 are concerned

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.SUSIKUMAR, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent and Mr.M.SOLAISAMY, Advocate for the 2nd respondent, the Court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioners 1, 3 and 4 in C.C.No.467 of 2023, on the file of the Additional Mahila Court, [J.M. Level], Theni, is ordered to be dispensed with, on condition 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 1, 3 and 4 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 1, 3 and 4 shall not dispute the identity of the witnesses. The petitioners 1, 3 and 4 shall appear before the Court in the event their presence is insisted by the learned trial Judge for the purpose of identification. If the petitioners 1, 3 and 4 adopt any dilatorily tactics, it is open for the trial Court to insist for their appearance and deal



CRL MP(MD) No.2365 of 2024

with the petitioners 1, 3 and 4 in accordance with the judgment of the Hon'ble Supreme Court in the case of *State of Uttar Pradesh vs. Shambhu Nath Singh* reported in **2001 (4) SCC 667**.

sd/-
19/11/2024

/ TRUE COPY /

/11/2024

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

SMN2
TO

1 THE ADDITIONAL MAHILA JUDGE,
(JUDICIAL MAGISTRATE LEVEL), THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THENI DISTRICT.

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

ORDER
IN

CRL MP(MD) No.2365 of 2024
in CRL OP(MD)No.2983 of 2024
Date :19/11/2024

SS/GSV/SAR- /21/11/2024/ 3P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023