



CRL MP(MD) No.7990 of 2024

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

Tuesday, the Thirteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.7990 of 2024

in

Crl.O.P.(MD)No.12990 of 2024

1 N.KASIRAJ

2 SANTHA

3 RATHAKRISHNAN
WRONGLY MENTIONED AS RATHAKIRUSHNAN,

4 RANI

... PETITIONERS/PETITIONERS/
ACCUSED 1-4

Vs

1 THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.56 OF 2020.

... 1st RESPONDENT/1st RESPONDENT/
COMPLAINANT

2 RAMAMOORTHY

... 2nd RESPONDENT/2nd RESPONDENT/
DE-FACTO 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

<https://www.hmc.tn.gov.in/judis>



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with the personal appearance of the petitioner before the trial court proceedings pending in S.T.C.No.1672 of 2022 on the file of Learned Judicial Magistrate, Sankarankovil.

Prayer in CRL OP(MD). 12990/ 2024 :

To call for the records in proceeding in S.T.C.No.1672 of 2022 on the file of Learned Judicial Magistrate, Sankarankovil in Connection with the Crime no.56 of 2020 on the file of 1st Respondent police and quash the same.

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 M/S.SIVARANJANI.K, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, 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 (Crl.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



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the event their presence is insisted by the trial judge for the purpose of identification.

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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/-
13/08/2024

/ TRUE COPY /

/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO
1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.SIVARANJANI, Advocate (SR-9966[I] dated 14/08/2024)



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ORDER IN
Crl.M.P.(MD)No.7990 of 2024
in
Crl.O.P.(MD)No.12990 of 2024
Date :13/08/2024

SA/GS/SAR. /23.08.2024/4P/6C

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