



CRL MP(MD) No.10788 of 2024

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

Thursday, the Seventeenth day of October Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.10788 of 2024
in
CRL OP(MD) No.17420 of 2024

MURUGAN

... Peitioner / Petitioner

Vs

1 THE STATE OF TAMILNADU
REP. BY THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 226/2021.)

2 MENAKA

... 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 petitioner in C.C.No. 404 of 2023 on the file of the Learned Judicial Magistrate, Paramakudi, Ramanathapuram District.

Prayer in CRL OP(MD). 17420/ 2024 :

To call for the records in C.C.No. 404 of 2023 on the file of the Learned Judicial Magistrate, Paramakudi, Ramanathapuram District pending disposal of the above Criminal Original Petition before this Honble Court 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.G.PRABAHARI, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent No.1, the Court made the following order:-



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Considering the facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that she 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 petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event her presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for her appearance and deal with the petitioner 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/-
17/10/2024

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/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To



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- 1.The Judicial Magistrate,
Paramakudi, Ramanathapuram District.
- 2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.10788 of 2024
Date :17/10/2024

ED/ /SAR- (24/10/2024) 3P / 5C

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