



CRL MP(MD) No.8207 of 2024

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

Wednesday, the Fourteenth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8207 of 2024

in

CRL OP(MD)No.13300 of 2024

1 T.AROCKIYA BALAN

2 MALARVIZHI

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT.
(CRIME NO.25/2022).

2 MARY

... 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 issue suitable order of Ad Interim Stay of all further proceedings in relation to CC No.614/2023 on the file of the Judicial Magistrate No.I, Nagercoil, Kanyakumari District pending disposal of the Crl.OP.

Prayer in CRL OP(MD). 13300/ 2024 :

To call for the records and to quash the CC No.614/2023 on the file of the Judicial Magistrate No.I, Nagercoil, Kanyakumari District.



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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.XAVIER RAJINI S, 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:-

Considering the facts and circumstances of the case, 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 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 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*



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Vs. Shambunath Singh, reported in **2001 (4) SCC 667.**

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sd/-
14/08/2024

/ TRUE COPY /

/08/2024

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

DAS
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL MP(MD) No.8207 of 2024

in

CRL OP(MD)No.13300 of 2024

Date :14/08/2024

SS/VR/SAR- /24/08/2024/3P/5C

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