



CRL MP(MD) No.8304 of 2024

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

Friday, the Sixteenth day of August Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.8304 of 2024
in
CRL OP(MD) No.13422 of 2024

1 DEVA SHANTHAKUMARI
2 JEYASUTHAN

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE
TENKASI POLICE STATION
TENKASI DISTRICT.
CRIME NO.19/2021.

2 THIRUMALAIKUMAR

... 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 CC No.30/2023 on the file of the Learned Judicial Magistrate, Tenkasi, pending disposal of this Quash Petition.

Prayer in CRL OP(MD). 13422/ 2024 :

To call for the records pertaining to the CC No.30/2023 on the file of the Learned Judicial Magistrate, Tenkasi, in connection with Crime No.19/2021 on the file of the 1st Respondent police and Quash the same as illegal as far as the petitioner.

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.J.JEYAKUMARAN, Advocate for the petitioners 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 (Criminal Side) appearing for the first respondent.



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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 the event their presence are 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 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/-

16/08/2024

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/08/2024

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



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TO செய்து உத்தரவு

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1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, TENKASI POLICE STATION, TENKASI DISTRICT.

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

ORDER IN
CRL MP(MD) No.8304 of 2024
in
CRL OP(MD) No.13422 of 2024
Date :16/08/2024

RS/VR/SAR-(24.08.2024) 3P 5C

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