



CRL MP(MD) No.8336 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.8336 of 2024

in

CRL OP(MD) No.13448 of 2024

1 BASKARAN

2 JAYABALASUBRAMANIAN

3 ELANBARUTHI @ EILAMPARITHI

4 KARUPPUSWAMY

... PETITIONERS/ PETITIONERS/
ACCUSED 2 TO 5

Vs

1 THE INSPECTOR OF POLICE
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.31 OF 2021.

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

2 CHELLAMMAL
BLOCK DEVELOPMENT OFFICER,
BOGALUR,
RAMANATHAPURAM.

... 2nd RESPONDENT / 2nd RESPONDENT/
DEFACTO COMPLAINANT



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Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant the Dispense with the personal appearance of the petitioners in the charge sheet in S.T.C.No.963 of 2022 pending on the file of Judicial Magistrate Court, Paramakudi.

Prayer in Crl.OP(MD).13448/2024:

Pleased to call for the records relating to the charge sheet filed in S.T.C.No.963 of 2022 pending on the file of Judicial Magistrate Court, Paramakudi and quash the same as illegal in so far as the petitioners are concerned.

ORDER : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.GANDHI, Senior Counsel for M/s.GANDHI ASSOCIATES, for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(crl.side) on behalf of the Respondents, the court made the following order:-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondents.

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 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.

CSM

TO

1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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



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ORDER

IN

CRL MP(MD) No.8336 of 2024

in

CRL OP(MD) No.13448 of 2024

Date :16/08/2024

SA/GS/SAR. /23.08.2024/4P/5C

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