



CRL MP(MD) No.8342 of 2024

WEB COPY

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.8342 of 2024
in
CRL OP(MD) No.13457 of 2024

1 E.GNANADASS

2 G.ROBINSON

3 G.LIVINGSTON

... Petitioners / Accused No.1 to 3

Vs

1 THE INSPECTOR OF POLICE
VK PUDUR POLICE STATION,
TENKASI DISTRICT,
(CRIME NO.137/2022)

... 1st Respondent / Complainant

2 S.PRABHAKARAN
THE SUB INSPECTOR OF POLICE,
VK PUDUR POLICE STATION,
TENKASI DISTRICT

... 2nd Respondent / Defacto 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 with the personal appearance of the petitioners/accused no.1 to 3 in the proceedings of the impugned Charge sheet in STC No.260/2023 on the file of the Judicial Magistrate Court, Alangulam, Tenkasi District in Crime No.187/2022 dated 06.10.2022 U/s.160 of IPC on the file of the Respondent No.1 pending disposal of the



CRL MP(MD) No.8342 of 2024

instant Criminal Original Petition.

WEB COPY

Prayer in CRL OP(MD). 13457/ 2024 :

To call for the records pertaining to the impugned charge sheet in STC No.260/2023 on the file of the Judicial Magistrate Court, Alangulam, Tenkasi District in Crime No.187/2022 dated 06.10.2022 U/s.160 of IPC on the file of the respondent no.1 and quash the same as illegal in so far as the petitioners / accused No.1 to 3.

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.PINAYGASH.I, Advocate for the petitioners and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent No.1, the Court made the following order:-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor 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



CRL MP(MD) No.8342 of 2024

WEB COPY

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

/ TRUE COPY /

/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,
Alangulam, Tenkasi District.
- 2.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
VK Pudur Police Station,
Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRL MP(MD) No.8342 of 2024

ORDER

IN

CRL MP(MD) No.8342 of 2024

in

CRL OP(MD) No.13457 of 2024

Date :16/08/2024

ED/ JGB /SAR- (27/08/2024) 4P / 5C

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