



CRL MP(MD) No.8426 of 2024

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

Tuesday, the Twentieth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8426 of 2024

in

CRL OP(MD)No.13595 of 2024

1 SATHAKATHULLAH

2 KATHAR BATSHA

3 R.MURUGESHAN

4 R.SUBBIYA

5 M.ARUMUGAM

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL WING,
DINDIGUL,
CRIME NO.27/2016

2 V.KENGUSAMY

... 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 trial court in CC.No.409/2020 pending on the file of the learned Judicial Magistrate Court No.II, Dindigul, pending disposal of the above Crl.OP



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Prayer in CRL OP(MD). 13595/ 2024 :

To call for the records relating to the impugned Charge sheet in CC.No.409/2020 pending on the file of the learned Judicial Magistrate Court No.II, Dindigul, and quash 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 Mr.N.MARIMUTHU, 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



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

sd/-
20/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL WING,
DINDIGUL
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMU, Advocate (SR-10121[I] dated 20/08/2024)



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ORDER
IN
CRL MP(MD) No.8426 of 2024
in
CRL OP(MD)No.13595 of 2024
Date :20/08/2024

SS/VR/SAR- /24/08/2024/4P/6C

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