



CRL MP(MD) No.9674 of 2024

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

Friday, the Thirteenth day of September Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.9674 of 2024
in
CRL OP(MD) No.15418 of 2024

1 PRAKASH
2 ARUNJUNAI KALPANA LAKSHMI
3 ASATH CHANDRASEKAR
4 MICHAEL SOOSAI
5 ARUN GODWIN

... PETITIONERS/ACCUSED NO.2 TO 6

Vs

1 THE INSPECTOR OF POLICE,
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.70 OF 2022.

... 1ST RESPONDENT/COMPLAINANT

2 KAVITHA

... 2ND RESPONDENT/DEFACTO COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with their Personal Appearance before the trial court in all further hearings in C.C.No.21 of 2024 on the file of the Learned Judicial Magistrate, Tiruchendur in Crime no.70 of 2022 dated 23.03.2022 on the file of the 1st Respondent.

Prayer in CRL OP(MD). 15418/ 2024 :

To call for the records and quash the same in charge sheet filed in C.C.No.21 of 2024 on the file of the Learned Judicial Magistrate, Tiruchendur in Crime no.70 of 2022 dated 23.03.2022 on the file of the 1st Respondent and in so far the petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.KARUNANIDHI.R, 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:-



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

sd/-

13/09/2024

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/09/2024

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



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TO

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1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.9674 of 2024

in

CRL OP(MD) No.15418 of 2024

Date :13/09/2024

RS/SG/SAR-(26.09.2024) 3P 5C

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