



CRL MP(MD) No.9113 of 2024

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

Wednesday, the Eighteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9113 of 2024

in

CRL OP(MD)No.14614 of 2024

1 C.JOHNSON

2 CHANDRABABU

... PETITIONERS/ ACCUSED 1 & 2

Vs

1 STATE OF TAMIL NADU REP BY
THE SUB INSPECTOR OF POLICE,
UVARI POLICE STATION,
THIRUNELVELI DISTRICT.
TIRUNELVELI 2.

... 1st RESPONDENT/COMPLAINANT

2 IMACULATE SHANTHI

... SECOND 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 first and second Petitioners in CC No.447/2022 pending before the Judicial Magistrate, Radhapuram, Tirunelveli under Sections 294B,506(ii),109 IPC and Section 4 of TNPHW Act, pending disposal of the Criminal Original Petition.

Prayer in CRL OP(MD). 14614/ 2024 :

To call for the records in connection with the Criminal Case in CC



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No.447/2022 pending before the Judicial Magistrate, Radhapuram Tirunelveli under section 294B, 506(ii), 109 IPC and section 4 of TNPHW Act on the file of the Inspector of Police Uvari, Thirunelveli district in Crime No.150/2019 and quash the same as against the Petitioners/ Accused no 1 and Accused no 2.

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.RAJ GENEVIVE VEENA, 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:-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the first respondent.

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 is insisted by the trial judge for the purpose of identification.



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3.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/-

18/09/2024

/True Copy/

/09/2024

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

GNS
TO

- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE SUB INSPECTOR OF POLICE,
UVARI POLICE STATION,
THIRUNELVELI DISTRICT.
TIRUNELVELI 2.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.M/S.RAJ GENEVIVE VEENA, Advocate (SR-11405[I] dated 19/09/2024)

ORDER
IN
CRL MP(MD) No.9113 of 2024
in
CRL OP(MD)No.14614 of 2024
Date :18/09/2024

SS/SG/SAR- /23/09/2024/4P/6C

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