



CRL MP(MD) No.9205 of 2024

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

Thursday, the Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9205 of 2024
in
CRL OP(MD) No.14727 of 2024

K.PRADEEP MENON

... Petitioner / Sole Accused

Vs

1 THE INSPECTOR OF POLICE
KADALKUDI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.26/2022).

... Respondent / Complainant

2 NUJIRA BEEVI

... 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 petitioner/sole accused the case in Impugned Charge Sheet in CC No.396/2022 on the file of the Judicial Magistrate Vilathikulam, Thoothukudi District in Crime No.26/2022 dated 5/8/2022 for the offences U/s.294(b), 353, 506(2) of IPC and Section 4 of TNPWH Act, 2002 on the file of the Respondent No.1 pending disposal of the instant criminal original petition.



CRL MP(MD) No.9205 of 2024

Prayer in CRL OP(MD). 14727/ 2024 :

To call for the records pertaining to the Impugned Charge Sheet in CC No.396/2022 on the file of the Judicial Magistrate, Vilathikulam, Thoothukudi District in Crime No.26/2022 dated 5/8/2022 for the offences U/s.294(b), 353, 506(2) of IPC and Section 4 of TNPWH Act, 2002 on the file of the Respondent No.1 and quash the 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 M/s.I.PINAYGASH, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent No.1, 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



CRL MP(MD) No.9205 of 2024

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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/-
05/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

To

- 1.The Judicial Magistrate,
Vilathikulam, Thoothukudi District.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Inspector of Police,
Kadalkudi Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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CRL MP(MD) No.9205 of 2024

ORDER

IN

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in

CRL OP(MD) No.14727 of 2024

Date :05/09/2024

ED/ VR /SAR- (13/09/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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