



Crl.M.P(MD)No.9709 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.M.P(MD)No.9709 of 2024

in

Crl.O.P.(MD)No.15516 of 2024

1 ANBUSIVAM

2 ABSARABANU

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

1 THE STATE OF TAMILNADU

REP. BY THE SUB INSPECTOR OF POLICE,

T. KALLUPATTI POLICE STATION,

MADURAI DISTRICT.

(CRIME NO. 108/2022)

...RESPONDENT NO.1/COMPLAINANT

2 BASEER AHAMED

EXECUTIVE OFFICER,

T.KALLUPATTI TOWN PANCHAYAT,

PERAIYUR TALUK,

MADURAI DISTRICT.

... RESPONDENT NO.2/

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 in C.C No.154/2023 on the file of the Learned Additional District Munsif cum Judicial Magistrate Court, Peraiyur in connection with Crime No. 108/2022 on the file of the Respondent police Station till the disposal of the Criminal Original Petition.



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Prayer in CRL OP(MD). 15516/ 2024 :

To call for the entire records pertaining to the impugned Final Report filed C.C No.154 of 2023 on the file of the Learned Additional District Munsif cum Judicial Magistrate Court, Peraiyur in connection with Crime No. 108/2022 on the file of the Respondent Police Station and quash as against the petitioners are concerned.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.R.KARUNANIDHI, Advocate for the petitioners 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 petitioner before the trial Court is ordered to be dispensed with, on conditions that he 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 petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme



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Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4)
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SCC 667.

sd/-
18/09/2024

/ TRUE COPY /

/09/2024

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

das

TO

1.THE ADDITIONAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE SUB INSPECTOR OF POLICE,
T. KALLUPATTI POLICE STATION,
MADURAI DISTRICT.

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

ORDER
IN

Crl.M.P(MD)No.9709 of 2024

in

Crl.O.P.(MD)No.15516 of 2024

Date :18/09/2024

RK/VR (23/09/2024) 3P / 5C

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