



Crl.M.P.(MD)No.10171 of 2024

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

Tuesday, the First day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.10171 of 2024

in

Crl.O.P.(MD)No.16182 of 2024

1 MAAMALLAN THA.KANAGAMUTHU @
THA.KANAGAMUTHU @ MAAMALLAN,

2 G. ESWARAN

... Petitioners / 1st & 2nd Accused

Vs

1 THE STATE OF TAMILNADU
REP.BY THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
CHINNAMANUR, THENI DISTRICT.
CRIME NO. 1073/2021.

... 1st Respondent / Complainant

2 M. POUNKUMAR

... 2nd Respondent / De-facto
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 appearance of the petitioners before the Learned Judicial Magistrate, Uthamapalayam in C.C.No. 475/2023 except imperatively needed of the petitioner presence and thus render justice.



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Prayer in CRL OP(MD). 16182/ 2024 :

To quash the charge sheet passed against the petitioners/accused on 20.11.2021 in C.C.No. 475 of 2023 on the file of Judicial Magistrate, Uthamapalayam and acquit him from all charges and thus render justice.

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.RAVICHANDRAN.S.M, Advocate for the petitioner and of M/s.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the Respondents 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 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



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

sd/-
01/10/2024

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/ 10 / 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,
UTHAMAPALAYAM

2. DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
CHINNAMANUR,
THENI DISTRICT.

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



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ORDER
IN
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in
Crl.O.P.(MD)No.16182 of 2024
Date :01/10/2024

PSP/ VR /SAR /09.10.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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