



Crl.M.P(MD)No.9318 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.M.P(MD)No.9318 of 2024
in
Crl.O.P.(MD)No.4888 of 2024

1 ESWARAN

2 VAITHEESWARAN

3 STALIN

4 JAYAPRABHU

5 VIGNESH

6 GUNA @ GUNASEKARAN

7 CHINNU @ CHINNATHEVAR

8 PARTHIBAN

9 KARUPPAIYA

10 PARAMASIVAM

... PETITIONERS/PETITIONERS

Vs

THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.
(CRIME NO.655/2016).

... RESPONDENT/RESPONDENT

KARUPPAYI(DIED)

<https://www.mhc.tn.gov.in/judis>



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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 CC No.131/2020 subsequently re numbered as CC No.283/2023, on the file the Judicial Magistrate, Fast Track Court, Uthamapalayam, pending disposal of the above main Criminal Original Petition.

Prayer in CRL OP(MD). 4888/ 2024 :

To call for records pertaining to the CC No.131/2020 subsequently renumbered as CC No.283/2023 the file of the Learned Judicial Magistrate, Fast Track Court, Uthamapalayam and Quash the proceedings as against the Petitioners herein.

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 Mr.N.MARIMUTHU, Advocate for the petitioner and of Mr.P.KOTTAI CHAMY, Government Advocate(crl.side) on behalf of the 1st Respondent, the court made the following order:-

When the matter is taken up for hearing today, the learned counsel for the petitioners would submit that previously there was a compromise entered into between all the accused and the defacto complainant and that they have agreed the terms of compromise and the same came to be recorded by imposing a condition to the accused to deposit a sum of Rs.5,000/- to the credit of Government of Tamil Nadu, CMPRF and that since the direction was not complied with, the trial Court has restored the case its file and is now proceeding with the case.

2. 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



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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/-
05/09/2024

/ TRUE COPY /

/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
FAST TRACK COURT, UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

<https://www.hmc.tn.gov.in/judis>



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

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

+1 CC to M/s.S.RAMU, Advocate (SR-10956[I] dated 06/09/2024)

ORDER IN
Crl.M.P(MD)No.9318 of 2024 in
Crl.O.P.(MD)No.4888 of 2024
Date :05/09/202

SA/SG/SAR. /12.09.2024/4P/6C

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