



CRL MP(MD) No.12023 of 2024

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

Tuesday, the Twelfth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.12023 of 2024

in

CRL OP(MD) No.19482 of 2024

1 MURUGAN

2 ARUMUGAM

3 MAHESH

4 SAKTHI GANESH

5 RAMAKITTU @ RAMAN

... Petitioners / Accused No.1 to 5

Vs

1 THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.346 OF 2019.)

... 1st Respondent / Complainant

2 MANIKANDAN

... 2nd 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 petitioners / Accused in C.C.No.430 of 2024 on the file of the Learned Judicial Magistrate No.III, Nagarkovil pending the disposal of the above Criminal Original Petition.



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Prayer in CRL OP(MD). 19482/ 2024 :

To call for the records pertaining to the case in C.C.No.430 of 2024 under sections 147,148,294(b),323,324 and 506 (ii) of Indian Penal Code pending trial on the file of Learned Judicial Magistrate No.III, Nagercoil and quash the same as illegal.

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.KALPANA.B, Advocate for the petitioners and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent No.1, while admitting the criminal original petition, the Court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioners in C.C. No.430 of 2024 on the file of the learned Judicial Magistrate No.III, Nagercoil is ordered to be dispensed with, on condition 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 dilatorily 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/-
12/11/2024

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14/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

To

- 1.The Judicial Magistrate No.III,
Nagercoil.
- 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.12023 of 2024
in
CRL OP(MD) No.19482 of 2024
Date :12/11/2024

ED/ /SAR- (14/11/2024) 3P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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