



CRL MP(MD) No.9569 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9569 of 2024

in

CRL OP(MD) No.15277 of 2024

1 KUMARASAMY

2 YESUTHANGAM

3 RAGU

4 SINTHU

... Petitioners / Petitioners

Vs

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI,
KANYAKUMARI DISTRICT.
(CRIME NO. 28/2022.)

2 ANTHONY SIBIYA VARGEES

... Respondents / Respondents

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. 78 of 2023, on the file of the Learned Additional Mahila Court (Magisterial Level), Nagercoil, Kanyakumari District, till the disposal of the main Criminal Petition.



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Prayer in CRL OP(MD). 15277/ 2024 :

To call for the records of the impugned charge sheet in C.C.No. 78 of 2023 on the file of the Learned Additional Mahila Court, (Magisterial Level), Nagercoil, Kanyakumari District, and quash the same as illegal in respect of the petitioners.

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.L.GEORGE PAUL ANTO, 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:-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. Considering the facts and circumstances, 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 all 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 are insisted by the trial judge for the purpose of



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identification. If the petitioners adopts 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/-
12/09/2024

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

CSM

To

1.The Judge,
Additional Mahila Court,
(Magisterial Level), Nagercoil,
Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-11261[I] dated 12/09/2024)



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ORDER
IN
CRL MP(MD) No.9569 of 2024
in
CRL OP(MD) No.15277 of 2024
Date :12/09/2024

ED/ JGB /SAR- (23/09/2024) 4P / 6C

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