



Crl.M.P.(MD)No.9644 of 2024

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

Friday, the Thirteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.9644 of 2024

in

Crl.O.P.(MD)No.15414 of 2024

1 MUHAMMED MALIK

2 SATHIK ALIAS MOHAMED

3 ABITHA BANU

4 RABIATHUL BASARIA

... PETITIONERS/ACCUSED

Vs

1 THE INSPECTOR OF POLICE
THALAMUTHU NAGAR POLICE STATION,
TUTICORIN,
TUTICORIN DISTRICT
(CRIME NO. 345 OF 2022)

2 PRABHU SINGH

... 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/accused in C.C.No. 1789/2023 pending before the learned Judicial Magistrate No. II, Tuticorin, Tuticorin District.



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Prayer in CRL OP(MD). 15414/ 2024 :

To call for the records in C.C.No. 1789/2023 pending before the learned Judicial Magistrate No. II, Tuticorin, Tuticorin District and Quash the same against this petitioners/accused.

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.RAAMAKRISHNAN.KA., Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(crl.side) on behalf of the 1st Respondent, 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/-
13/09/2024

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/09/2024

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

DAS
TO

1 THE JUDICIAL MAGISTRATE NO.II,
TUTICORIN, TUTICORIN DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
THALAMUTHU NAGAR POLICE STATION,
TUTICORIN,
TUTICORIN DISTRICT

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

ORDER IN
Crl.M.P.(MD)No.9644 of 2024
in
Crl.O.P.(MD)No.15414 of 2024
Date :13/09/2024

SA/SG/SAR. /25.09.2024/3P/5C

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