



CRL MP(MD) No.9866 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9866 of 2024

in

CRL OP(MD) No.15685 of 2024

1 USHAVATHI @ USHARANI

2 VELLAICHAMY

... Petitioners / Petitioners

Vs

1 THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 5/2023.

2 SARANYA

... 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.199 of 2023 on the file of the Judicial Magistrate, Additional Mahila Court, Ramanathapuram pending disposal of the above Criminal Original Petition.

Prayer in CRL OP(MD). 15685/ 2024 :

To call for the records of the Impugned Final Report dated 19.09.2023 in C.c.No.199 of 2023 on the file of the Judicial Magistrate, Additional Mahila Court,



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Ramanathapuram for the offences punishable U/s.498(A), 406,342,323 and 506 (2) of IPC r/w 4 of Dowry Prohibition Act, 1961 and quash the same as illegal insofar as the petitioners herein are concerned.

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.M.JERIN MATHEW, 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 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



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the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath

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Singh, reported in 2001 (4) SCC 667.

sd/-
20/09/2024

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/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

1.The Judicial Magistrate,
Additional Mahila Court, Ramanathapuram.

2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.

3.The Inspector of Police,
AWPS Police Station,
Ramanathapuram District.

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

ORDER
IN
CRL MP(MD) No.9866 of 2024
in
CRL OP(MD) No.15685 of 2024
Date :20/09/2024



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ED/ JGB /SAR- (08/10/2024) 4P / 5 C

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