



CRL MP(MD) No.9694 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 MP(MD) No.9694 of 2024

in

CRL OP(MD)No.15473 of 2024

1 THIRUNAVUKKARASU

2 MANIYARASAN

3 MANIMOZHIYAN

4 KUDANTHAI ARASAN

5 ARUN MOZHI

6 KALIYAPPEN

7 ARUNACHALAM

8 MOHAN @ INIYAVAN

9 ARANGA GUNSEKARAN

10 THIRUMURUGAN

... PETITIONERS/PETITIONERS

Vs



CRL MP(MD) No.9694 of 2024

1 THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.56 OF 2018.

2 PADMANATHAN
SUB INSPECTOR OF POLICE - 2302,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.

... 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 petitioner in the pending trial in S.T.C.No 114 of 2020 in connection with Cr.No.56 of 2018 for the offences U/s.143,341 of 188 of IPC and altered for the offences U/s.143 and 341 of IPC on the file of the 1st respondent and the same is pending before the Learned Judicial Magistrate Court No.1, Thanjavur on the file of the 1st respondent as against the Petitioners till the disposal of the criminal original petition.

PRAYER in CRL OP(MD)No.15473 of 2024:

To call for the records pertaining in STC.No.114 of 2020 in connection with Cr.No.56 of 2018 for the offences u/s.143,341 of 188 of IPC and altered for the offences U/s.143 and 341 of IPC on the file of the 1st Respondent and the same is pending before the Learned Judicial Magistrate Court No.1, Thanjavur on the file of the 1st respondent and Quash the same as illegal.

ORDER : This Criminal Original petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.VANCHINATHAN 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



CRL MP(MD) No.9694 of 2024

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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 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



CRL MP(MD) No.9694 of 2024

TO
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TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL MP(MD) No.9694 of 2024
in

CRL OP(MD)No.15473 of 2024

Date :13/09/2024

SS/VR/SAR- /24/09/2024/4P/5C

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