



CRL MP(MD) No.10179 of 2024

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

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CrI.M.P.(MD)No.10179 of 2024

in

CrI.O.P.(MD)No.16186 of 2024

1 Y.OZEERKHAN

2 D.AKBAR KHAN

3 ARIFKHAN

4 RABEEK @ KADHAR BATCHA

5 ISMAILKHAN

(WRONGLY MENTIONED AS AETHSAYABU)

6 MAHABOOPBATCHA

7 ANSARKHAN

8 Y.AMEERJOHN

9 N.MOHAMED USHEN

10 JOHNBAAB

11 JINNAKHAN

... PETITIONERS/ PETITIONERS/
ACCUSED 1 TO 11



CRL MP(MD) No.10179 of 2024

Vs

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S.KAMARDEEN

... RESPONDENT / RESPONDENT/
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 personal appearance of the petitioner before the Trial Court of the Impugned complaint in Cr.M.P.No.2622 of 2024 on the file of the Judicial Magistrate No.6, Madurai pending disposal of the above Quash petition.

Prayer in Crl.OP(MD).16186/2024:

Pleased to call for the records pertaining to the case registered in impugned complaint in Cr.M.P.No.2622 of 2024 on the file of the Judicial Magistrate No.6, Madurai and quash the same as illegal.

ORDER : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.SHEIK NASURDEEN, Advocate for the petitioners, 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



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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/-
25/09/2024

/ TRUE COPY /

/10/2024
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.6,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

ORDER IN
Crl.M.P.(MD)No.10179 of 2024
in
Crl.O.P.(MD)No.16186 of 2024
Date :25/09/2024

SA/JGB/SAR. /03.10.2024/3P/3C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.