



CRL MP(MD) No.10173 of 2024

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

Tuesday, the First day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.10173 of 2024  
in  
CRL OP(MD)No.16183 of 2024

1 MUTHAIAH

2 VIJAYALAKSHMI

3 MALATHI

4 MATHIVANAN

... PETITIONERS/PETITIONERS

Vs

1 THE STATE OF TAMILNADU  
REP BY THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KARAIKUDI, SIVAGANGAI DISTRICT.  
CRIME NO.24 OF 2015.

2 RETHINAM

... 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 pass an order to Dispense with the personal appearance of th petitioners herein in connection with Cc.No.358 of 2022 (Old number in CC No.366 of 2015) on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District, pending disposal of the above Quash Petition.



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**Prayer in CRL OP(MD). 16183/ 2024 :**

To call for the records in pertaining to with Cc.No.358 of 2022 (Old number in CC No.366 of 2015) on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District and Quash the same in so far as Petitioners/Accused 2 to 5 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 Mr.M.SHAKULHAMEED, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the 1<sup>st</sup> 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



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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/-

01/10/2024

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/10/2024

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

DAS  
TO

- 1 THE JUDICIAL MAGISTRATE,  
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KARAIKUDI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER  
IN  
CRL MP(MD) No.10173 of 2024  
in  
CRL OP(MD)No.16183 of 2024  
Date :01/10/2024

SS/MMS/SAR- /09/10/2024/4P/5C

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