



CRL MP(MD) No.10998 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.10998 of 2024

in

CRL OP(MD)No.17759 of 2024

MR.YOUSUP @ YOUSUF MOHAMED MOHIDEEN

... PETITIONER/PETITIONER

Vs

1 THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 916/2010

2 A.MOHAMED MUSTHAFA

... 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 herein in charge sheet in C.C No. 151 of 2024 on the file of the learned Judicial Magistrate II, Nagercoil, Kanyakumari district pending disposal of the above quash petition.

Prayer in CRL OP(MD). 17759/ 2024 :

To call for the records pertaining to the charge sheet in C.C No. 151 of 2024 on the file of the learned Judicial Magistrate II, Nagercoil, Kanyakumari district and quash the same as illegal as far as the petitioner is concerned.



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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.G.ANTO PRINCE, 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:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent.

2.Considering the facts and circumstances, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he 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 petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner 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/-
21/10/2024

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/11/2024

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

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.10998 of 2024
in
CRL OP(MD)No.17759 of 2024
Date :21/10/2024

SS/MMS/SAR- /04/11/2024/ 3P/5C

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