



CRL MP(MD) No.10647 of 2024

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

Thursday, the Seventeenth day of October Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.10647 of 2024

and

Crl.O.P.(MD)No.16929 of 2024

S.NELLAIKUMAR

... PETITIONER/PETITIONER

Vs

1 THE STATE OF TAMILNADU

REP. BY THE INSPECTOR OF POLICE,

CITY CRIME BRANCH,

TIRUNELVELI CITY.

CRIME NO. 56/2020.

2 S.RAJAGOPAL

... RESPONDENTS/RESPONDENTS

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 C.C.No. 1135 of 2022 on the file of the Learned Judicial Magistrate Court No.1, Tirunelveli and thus render justice.

Prayer in CRL OP(MD). 16929/ 2024 :

To call for the records of the impugned final report in C.C.No. 1135 of 2022 on the file of the Learned Judicial Magistrate Court No.1, Tirunelveli and quash the same as illegal .

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.JEYAMOHAN, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate (Crl.side) on behalf of the Respondent No.1, the court made the following order:-



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Considering the facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that she 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 petitioner is further directed to give an undertaking in the form of affidavit that she will be duly represented by a counsel on all hearing dates and that the Counsel representing her 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 her 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 her appearance and deal with the petitioner 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/-
17/10/2024

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/11/2024

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

das

<https://www.mhc.tn.gov.in/judis>



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TO
WEB COPY

1.THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TIRUNELVELI CITY.

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

ORDER

IN

Crl.M.P(MD)No.10647 of 2024

and

Crl.O.P.(MD)No.16929 of 2024

Date :17/10/2024

RS/SKN (08/11/2024) 3P / 5C

Madurai Bench of Madras High Court is issuing
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