



CRL MP(MD) No.10969 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.10969 of 2024

in

CRL OP(MD) No.17687 of 2024

1 REENA KANAKAJAI

2 USHA PREMALATHA

3 JOHNCY REJILA

... Petitioners / Accused No.3 to 5

Vs

1 THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
MARTHANDAM,
KANYAKUMARI DISTRICT.
(CRIME NO. 3/2022.)

... 1st Respondent / 1st Complainant

2 BEBISHA

... 2nd Respondent / Defacto 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 the personal appearance in C.C.No.415 of 2022 on the file of the Ld. Judicial Magistrate No.1, Kuzhithurai pending disposal of the Criminal Original Petition.



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Prayer in CRL OP(MD). 17687/ 2024 :

To call for the records relating to the C.C.No.415 of 2022 on the file of the Judicial Magistrate No.1, Kuzhithurai and quash the charge sheet dt 19.07.2022 as it pertains to the petitioners.

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 M/s.V.RAJIV RUFUS, Advocate for the petitioners and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent No.1, 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 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



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accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh

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Vs. Shambunath Singh, reported in 2001 (4) SCC 667.

sd/-
21/10/2024

/ 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.I,
Kuzhithurai.
- 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Inspector of Police,
AWPS Police Station,
Marthandam, Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-12888[I] dated 22/10/2024)



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ORDER

IN

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in

CRL OP(MD) No.17687 of 2024

Date :21/10/2024

ED/ MMS /SAR- (29/10/2024) 4P / 6C

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