



CRL MP(MD) No.11554 of 2024

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

Tuesday, the Twenty Ninth day of October Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.11554 of 2024
in
CRL OP(MD) No.18592 of 2024

1 V.MADHAVAN
2 M.KANJANA
3 MARAGATHAM

... PETITIONERS/ ACCUSED 2, 1, 3

Vs

1 THE INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION,
MADURAI DISTRICT.
CRIME NO.557 OF 2023.

... 1ST RESPONDENT/COMPLAINANT

2 BALAJI

... 2ND RESPONDENT/DEFACTO COMPLAINANT

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 appearance of the petitioners in C.C.No.422 of 2024 on the file of the Learned Judicial Magistrate Court No.1, Madurai in Crime No. 557/2023 dt. 27.12.2023 till the disposal of the instant Crl.O.P.

Prayer in CRL OP(MD). 18592/ 2024 :

To call for the records pertaining to the impugned Charge Sheet in C.C.No.422 of 2024 on the file of the Learned Judicial Magistrate Court No.1, Madurai in FIR in Crime No. 557/2023 dt. 27.12.2023 on the file of the Respondent No.1 Police, Madurai District, offences U/s.294(b), 323, 506(i) & 34 of IPC 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.A.GANESAN, Advocate for M/S.GANESAN LEGIST LAW FIRM for the petitioners and of MR.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the 1st Respondent, the court made the following order:-

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



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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 accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.

sd/-
29/10/2024

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/11/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, VILAKKUTHOON POLICE STATION,
MADURAI DISTRICT.

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

ORDER IN
CRL MP(MD) No.11554 of 2024
in
CRL OP(MD) No.18592 of 2024
Date :29/10/2024

RS/MMS/SAR-(08.11.2024) 3P 5C
Madurai Bench of Madras High Court is issuing
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