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

Friday, the Twenty Fifth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11342 of 2024
in
CRL OP(MD)No.18291 of 2024

1 THARAMAR @ DHARMAR

2 SHANMUGAM

3 SURESH

4 ESAKKIMUTHU

5 CHELLADURAI

6 KADAL KUMAR @ KADALKUMARAN

7 PRASANTH

8 ANANTH

9 MAHENDRAN

10 MAGESH

11 SURESH @ SURESH BABU

12 ARUMUGAM



13 RASU @ RAJ

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14 PERIYADURAI

15 MAHARASU @ MAHARAJAN

16 MUTHUPANDI

17 SEENIVASAN

18 PAUL RAJ

19 NATARAJ

20 SHANMUGAM @ SHANMUGARAJ

21 MUTHU
W/O.MAHARAJAN

22 THAAI

23 MUTHUSELVI

24 MUTHU
W/O.THARMAR

25 RAKKAMMAL

... PETITIONERS/PETITIONERS

Vs

1 THE STATE OF TAMILNADU
REP. BY THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME No. 275/2024



2 GANESAN

THE SUB INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

... 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 petitioners in STC No. 3769/2024 on the file of the Judicial Magistrate No.III, Tirunelveli pending disposal of the above Crl.O.P.

Prayer in CRL OP(MD). 18291/ 2024 :

To call for the records relating to the charge sheet in STC No. 3769/2024 on the file of the Judicial Magistrate No.III, Tirunelveli and quash the same in so far as the petitioners 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.J.DAVID GANESAN, 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:-

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



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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/-
25/10/2024

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/11/2024

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.



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

ORDER
IN
CRL MP(MD) No.11342 of 2024
in
CRL OP(MD)No.18291 of 2024
Date :25/10/2024

SS/JGB/SAR- /04/11/2024/ 5P/5C

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