



CRL MP(MD) No.11325 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11325 of 2024

in

CRL OP(MD) No.18247 of 2024

- 1 SAIPULLAKHAN @ MOHAMED SAIFULLAH
- 2 BASIR AHAMED @ BASHEER AHAMED
- 3 RABEEK RAJA
- 4 ABDUL KADAR
- 5 ABDUL AJISH @ ABDUL AJIS
- 6 AYUB ALIKHAN
- 7 ZAKIR USSAIN @ ZAHIR HUSSAIN
- 8 NAINA MOHAMED
- 9 JAGANGIR @ JAKANKIRALI
- 10 MOHAMED SABI @ MOHAMED SAFI
- 11 KAJA NASUMUDEEN @ KAJA NAJUMUDEEN
- 12 SHADIK @ SAHUFAR SADIQ
- 13 MOHAMED KASIM
- 14 AKKAP BADUSHA @ AKBAR BADUSHA
- 15 NAGUR MEERA @ NAGOOR MEERA
- 16 ABU BAKKER @ ABOOBACKER
- 17 AHAMED
- 18 SAHUL HAMEED
- 19 SIMMA KHAN
- 20 ABDUL RAHUMAN ALI @ ABDUL RAHMAN ALI
- 21 MOHAMED ASHATH @ MOHAMED AZAD
- 22 IBRAHIM ALI
- 23 SABAR ALI
- 24 ABDUL KALA ASHATH @ ABUL KALAM ASATH

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25 KHAJA NASUMUDEEN @ KAJA NAJUMUTHIN
26 SEIYADU IBRAHIM @ SYED IBRAHIM ALI
27 TAMIM ANSARI
28 SAIYADU MOHAMED @ SYED MOHAMED
29 RAVUTHAR NAINA
30 UMAR MUKTAR @ UMAR MUKTHAR
31 YASIN AHAMED
32 THIVAN MOHAMED @ THIWAN MOHAMED
33 ABDUL RAHUMAN
34 SEIYADU ABDUTHAKIR
35 USMAN ALI
36 AKBAR BATHURSHA @ AKBAR BADHUSA
37 KARTHIKEYAN
38 SALMAN PARIS
39 KHAJA MAIDEEN
40 SELVAM MOHAMED @ SELVA MOHAMED
41 KADAR SULTHAN
42 JAMIL AHAMED
43 MAIDEEN KADAR @ MOHIDEEN KADER
44 SEIYADU MALIK @ SYED MALIQ
45 JABIR ABLAK @ JAFIR AFLAGH
46 SAHITH ALI @ SHAHEED ALI
47 UMAR
48 SAIYADU IBRAHIM
49 JAMAL MUGAIDEEN @ JAMAL MOHIDEEN
50 SHECK ALAM
51 SAHUL HAMEED
52 THASUDEEN @ THAJUTEEN
53 SAHABUDEEN
54 JABARULLAKHAN
55 ABDUL NISTHAR
56 MOHAMED YASIR @ MOHAMED YASEEN
57 PANDI
58 HABIPULLAKHAN @ HABIBULLAKHAN
59 RAHAMADULLA
60 SEIYADU MOHAMED
61 SEIYADU ABUTHAHIR
62 ASPULLAKHAN SEIYADU

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63 ABBAS ALI
64 SHECK MOIDEEN
65 MOHAMED IRFAN
66 MEERA KANI @ MEERAN GANI
67 SAIYADU BOSE @ SYED BOSE
68 KADAR @ KADER
69 MOHAMED USSAIN @ MOHAMED HUSSAIN
70 BAJITH AHAMED @ BASITH AHAMED
71 SULTHAN ALAVUDEEN
72 ABDUL AJISH
73 SIKKANDAR BASHA @ SICCANKER BATCHA
74 SAHUL HAMEED
75 KHAJA MAIDEEN
76 SATHAM USSAIN @ MOHAMED SATHAM HUSSAIN
77 SULTHAN
78 SAIYADU KASIM @ SYED KASIM
79 ABDUL LATHIP
80 MISTER ALIKHAN
81 SAMSUDEEN @ S.K SAMSUDEEN
82 MOHAMED ALI
83 TAMIM @ THAMEEM NIZAR
84 MOHAMED AZARUDEEN
85 HASIK ALI
86 JAMIM
87 ABDUL PAJITH
88 RAVUTHAR NAINA
89 SEIYADU MOHAMED @ SYED MAHABU SUBUHANY
90 JAMAL MUGAIDEEN
91 MOHAMED HAVUSH
92 HADAR MUGAIDEEN
93 ABDUL JABBAR
94 MOHAMED JAMIM
95 AYUB ALI
96 MOHAMED AKBAR ALI
97 SEIYADU ABUPAKKAR @ SYED ABU BACKER
98 ASKAR ALI
99 HALIPATHULLAH @ HALIVUTHULLAH
100 ABDUL KADAR @ ABDUL KADER



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101 MALIK

102 MOHAMED BAISAL @ MOHAMED FAISAL

103 MUSTAPPA

104 IBRAHIM

105 TOWVULATH MOHAMED @ THOULATH MOHAMED

106 SOWNTHIRAPANDIAN @ SOUNDERA PANDIAN

107 SAHAPUDEEN

108 KADAR IBRAHIM

109 MOHAMED HATHI

110 MIRSHA @ MIRZA

111 ASAN

112 RABEEK RAJA

113 AMJATH

114 BARUK

115 ABUTHAHIR @ SYED ABUTHAHIR

... PETITIONERS/PETITIONERS
/ ACCUSED NOS.1 TO 115

Vs

1 THE INSPECTOR OF POLICE,
ILAIYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 133 OF 2022

... 1ST RESPONDENT/1ST PETITIONER
/COMPLAINANT

2 KARTHIKEYAN

... 2ND RESPONDENT/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 personal appearance of the petitioners in STC no. 68/2022 on the file of the learned District Munsif cum Judicial Magistrate, Ilaiyankudi, Sivagangai district in Crime No. 133 of 2022 on the file of the 1st respondent police

Prayer in CRL OP(MD).18247/2024 :

To call for the records pertaining to the impugned charge sheet in STC no. 68/2022 on the file of the learned District Munsif cum Judicial Magistrate, Ilaiyankudi, Sivagangai district in Crime No. 133 of 2022 on the file of the 1st

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respondent police and quash the same as illegal.

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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.J.LAWRANCE, Advocate for the petitioners and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1st Respondent, the Court made the following order:-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondents.

2.Considering the facts and circumstances, 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 all 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 are insisted by the trial judge for the purpose of identification. If the petitioners adopts 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



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Singh, reported in 2001 (4) SCC 667.

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sd/-
24/10/2024

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/11/2024

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ILAIYANKUDI,
SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, ILAIYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.J.LAWRANCE, Advocate (SR-13063[I] dated 24/10/2024)

ORDER

IN

CRL MP(MD) No.11325 of 2024

in

CRL OP(MD) No.18247 of 2024

Date :24/10/2024

RS/JGB/SAR-(04.11.2024) 6P 6C

Madurai Bench of Madras High Court is issuing
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