



CRL MP(MD) No.11512 of 2024

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

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.11512 of 2024

in

CRL OP(MD)No.18542 of 2024

1 GOPAL

2 MEGANATHAN

... PETITIONERS/PETITIONERS

Vs

1 THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO. 189/2023

2 SATHISHKUMAR
SUB INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM 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 petitioner in STC no. 80/2024 on the file of the learned District Munsif cum Judicial Magistrate, Kamuthi pending disposal of the criminal original petition in the interest of justice.



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Prayer in CRL OP(MD). 18542/ 2024 :

To call for the records pertaining to the charge sheet in STC No. 80/2024 on the file of the learned District Munsif cum Judicial magistrate, Kamuthi and quash the same as far as these petitioners are 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.C.SENTHIL MURUGAN, Advocate for the petitioner 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



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Court to insist for their appearance and deal with the petitioners in accordance with
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the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in **2001 (4) SCC 667**.

sd/-
28/10/2024

/ TRUE COPY /

/11/2024

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

CSM
TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KAMUTHI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION, RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.11512 of 2024
in
CRL OP(MD)No.18542 of 2024
Date :28/10/2024

SS/JGB/SAR- /07/11/2024/ 3P/5C

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