



Crl.M.P.(MD)No.11467 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.M.P.(MD)No.11467 of 2024

in

Crl.O.P.(MD)No.18471 of 2024

1 HELTAN SELVA KUMAR @ HELDON SELVA KUMAR

2 JACOB @ JACOB SELVA RAJAN

3 RAJAN

4 SELVIN

5 SEKAR @ KATHI SEKAR

6 IRUTHAYADHASS @ ERUTHAYADHAS

7 MESIYADHAS @ MESSIA DHAS

8 SHAJIN

9 ELDAN @ ELDEN

10 AJI @ VERJIN SELVAKUMARI @ VERJIN SELVA KUMARI,

11 REJILA @ REJILA THANJA KUMARI

12 ANISHA @ ANISHA RAJAN



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13 SHEELA

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14 KARLEENAL

15 ANOOB

16 ALWIN @ ALWIN VINCENT

17 PRAVIN @ BRABIN

... PETITIONERS / PETITIONERS

Vs

1 THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 194/2023

2 AMIRTHA GEORGE

... 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 before the Judicial Magistrate Court, Eraniel, Kanyakumari District in C.C No. 104/2024.

Prayer in CRL.O.P.(MD)No.18471 of 2024:

Pleased to call for the records pertaining to the impugned Charge Sheet in C.C No.104/2024 on the file of the Judicial Magistrate Court, Eraniel, Kanyakumari District and to quash the same.

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.ISSAC MOHANLAL, Senior Counsel for Mr.M.R.SREENIVASAN, 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:-

Heard the learned counsel appearing for the petitioners and the learned



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Government Advocate (Crl.side) appearing for the first respondent.

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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 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/-
28/10/2024

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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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GNS

TO

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1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. C.C. to Mr.R.NANDAKUMAR, Advocate SR.No.13463 (I) DT.30/10/2024

ORDER IN
Crl.M.P.(MD)No.11467 of 2024 in
Crl.O.P.(MD)No.18471 of 2024
Date :28/10/2024

SA/JGB/SAR. /07.11.2024/4P/6C

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