



CRL MP(MD) No.12462 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twentieth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.12462 of 2024

in

CRL OP(MD) No.20146 of 2024

1 S.ILANGO

(IN THE CHARGE SHEET NAME HAS BEEN
WRONGLY MENTIONED AS ILANGO VAN)

... PETITIONER/PETITIONER
/ACCUSED NO.1

Vs

1 THE INSPECTOR OF POLICE,
EARWADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 119/2022

... RESPONDENT/RESPONDENT
/DE JURE COMPLAINANT

2 K.MURUGESAN

... RESPONDENT/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 petitioners personnel appearance in the case in C.C no. 189 of 2023 pending on the file of the Learned Judicial Magistrate, Additional Mahila court, Ramanathapuram pending disposal of the main quash petition.



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Prayer in CRL OP(MD). 20146/ 2024 :

To call for the entire records connected with the case in C.C no. 189 of 2023 pending on the file of the Learned Judicial Magistrate, Additional Mahila court, Ramanathapuram and quash the same in so far as the petitioner is concerned and quash the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.NAVANITHARAJA, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent, while admitting the Criminal Original Petition, the court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioner in C.C.No.189 of 2023, on the file of the learned Judicial Magistrate, Additional Mahila Court, Ramanathapuram, is ordered to be dispensed with, on condition that he 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 petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the counsel representing him will cross-examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the learned trial Judge for the purpose of identification. If the petitioner adopt any dilatorily tactics, it is open for the trial Court to insist for his appearance and deal with the petitioner in accordance with the



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judgment of the Hon'ble Supreme Court in the case of State of Uttar Pradesh vs.

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Shambhu Nath Singh reported in 2001 (4) SCC 667.

sd/-

20/11/2024

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/11/2024

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

smn2

TO

1 THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, EARWADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER IN
CRL MP(MD) No.12462 of 2024
in
CRL OP(MD) No.20146 of 2024
Date :20/11/2024

RS/VR/SAR-(27.11.2024) 3P 5C

Madurai Bench of Madras High Court is issuing
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