



CRL MP(MD) No.12276 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Eighteenth day of November Two Thousand and Twenty Four
PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.12276 of 2024
in
CRL OP(MD) No.19919 of 2024

1 K.M.PANNEERSELVAM

2 S.SUBHA SAKTHIVEL

... PETITIONERS/PETITIONERS

Vs

K.PRABHAKARAN

... RESPONDENT/RESPONDENT

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 complaint in STC no. 439 of 2022 on the file of the Judicial Magistrate court No.II (Fast Track court at Magisterial level) Madurai is pending disposal of the criminal original petition

Prayer in CRL OP(MD). 19919/ 2024 :

To call for the records in complaint in STC no. 439 of 2022 on the file of the Judicial Magistrate court No.II (Fast track court at Magisterial Level) Madurai and quash the same as illegal in so far 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.V.P.RAJAN, Advocate for the petitioner, While admitting the Criminal Original Petition, the court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of



CRL MP(MD) No.12276 of 2024

WEB COPY

the petitioners in S.T.C.No.439 of 2022, on the file of the Judicial Magistrate Court No.II [Fast Track Court, Magisterial Level], Madurai, is ordered to be dispensed with, on condition 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-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 learned trial Judge for the purpose of identification. If the petitioners adopt any dilatorily tactics, it is open for the trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of the Hon'ble Supreme Court in the case of State of Uttar Pradesh vs. Shambhu Nath Singh reported in 2001 (4) SCC 667.

sd/-
18/11/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL MP(MD) No.12276 of 2024

SMN2

TO

1 THE JUDICIAL MAGISTRATE NO.II,
(FAST TRACK COURT AT MAGISTERIAL LEVEL),
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

ORDER

IN

CRL MP(MD) No.12276 of 2024

in

CRL OP(MD) No.19919 of 2024

Date :18/11/2024

SA/VR/SAR. /25.11.2024/3P/3C

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