



CRL MP(MD) No.12454 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.12454 of 2024
in
CRL OP(MD) No.20139 of 2024

1 KAMILA BANU
2 AHMED IBRAHIM

... PETITIONERS/PETITIONERS
/ACCUSED NO.3 & 4

Vs

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
CRIME NO.47/2021.

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

2 SYED MUHAMMED SULAIMAN ... 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 Personal Appearance of the petitioners in Case in CC No.285/2024 on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District till the disposal of the main Quash Petition.

Prayer in CRL OP(MD). 20139/ 2024 :

To call for records pertaining to the case in CC No.285/2024 on the file of the learned Judicial Magistrate No.1, Nagercoil, Kanyakumari District and Quash the same as illegal as against petitioners alone.

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.M.SEENI SULTHAN, Advocate for the petitioners 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:-

<https://www.mhc.tn.gov.in/judis>



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Considering the facts and circumstances of the case, the personal appearance of the petitioners in C.C.No.285 of 2024, on the file of the Judicial Magistrate Court No.I, Nagercoil, Kanyakumari District, 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/-
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.



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TO

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1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANYAKUMARI DISTRICT.

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

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.12454 of 2024

in

CRL OP(MD) No.20139 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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