



CRL MP(MD) No.12697 of 2024

WEB COPY

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

Tuesday, the Twenty Sixth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.12697 of 2024

in

CRL OP(MD)No.20577 of 2024

1 JANNATH

2 NILOFER NISHA

... PETITIONERS/PETITIONERS

Vs

RASHEETH BANU

... 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 personal appearance of the petitioner in C.C. NO. 93 of 2024 pending on the file of the learned Judicial Magistrate-V, Tirunelveli.

Prayer in CRL OP(MD). 20577/ 2024 :

To call for the records relating to the C.C. No. 93 of 2024 pending on the file of the learned Judicial Magistrate - V, Tirunelveli and quash the same as against the petitioner.

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.G.KARUPPASAMY PANDIYAN, 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



CRL MP(MD) No.12697 of 2024

WEB COPY

of the petitioners in C.C.No.93 of 2024, on the file of the Judicial Magistrate Court No.V, Tirunelveli, 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/-
26/11/2024

/ TRUE COPY /

/12/2024

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

SMN2



CRL MP(MD) No.12697 of 2024

TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

ORDER
IN
CRL MP(MD) No.12697 of 2024
in
CRL OP(MD)No.20577 of 2024
Date :26/11/2024

SS/GSV/SAR- /04/12/2024/ 3P/3C

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