



CRL MP(MD) No.12691 of 2024

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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.12691 of 2024

IN

CRL OP(MD) No.20576 of 2024

1 K.SANKARA NAINAR @ SANKAR

2 V.MANOKAR @ MANOKARAN

3 M.SHANMUGAVEL

4 K.KANTHAN

5 K.GOTHANDARAMAN @ KOTHANDARAMAN

6 S.ARASU @ ARUNTHATHI RASU

7 V.MURUGESAN

8 M.SAKTHIVEL

9 R.VETTUMPERUMAL

10 R.GANESAN

11 R.ATHIYAPPAN

12 T.CHELLAPPA

13 S.SUDALAIMADAN

14 V.MURUGAN

15 K.SEETHARAMAN

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.723/2010.

2 A.KUMAR

... RESPONDENTS/RESPONDENTS



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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 Petitioner pending trial in PRC No.22/2023 pending on the file of the Judicial Magistrate, Tiruchendur till disposal of the instant Crl OP.

Prayer in CRL OP(MD). 20576/ 2024 :

To call for the records pertaining to the Impugned Charge Sheet in PRC No.22/2023 pending on the file of the Judicial Magistrate, Tiruchendur registered u/s 147, 294(b), 447, 506(ii) of India Penal Code r/w 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss Act), 1992 in Crime No.723 of 2010 dated 11.12.2010 on the file of the Respondent No.1 and quash the same as illegal.

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.T.THIRUMURUGAN, Advocate for the petitioners and of MR.K.SANJAI GANDHI, Government Advocate (Crl.Side) 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 petitioners in P.R.C.No.22 of 2023, on the file of the Judicial Magistrate Court, Tiruchendur, 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



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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

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

smn2

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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



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ORDER

IN

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IN

CRL OP(MD) No.20576 of 2024

Date :26/11/2024

RS/VR/SAR-(02.12.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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