



CRL MP(MD) NO. 13187 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08-01-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP(MD) NO. 13187 of 2024

IN

CRL OP(MD) NO. 21222 of 2024

Josuva
S/o.Kovilpillai, Sempatti Village,
Peraiyur Taluk, Madurai District.
and 5 Others

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Saptur Police Station, Saptur,
Madurai District. and another

Respondent(s)

For Petitioner(s):
Mr.T.Vadivelan
Mr.Silambarasan.M

For Respondent(s):

Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side) for R1

ORDER

The contention of the petitioners is that they have been arrayed as Accused

Nos 1, 3 to 7 in C.C.No.36 of 2023 on the file of the District Munsif cum Judicial
<https://www.mhc.tn.gov.in/jdis>



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Magistrate Court, Peraiyur and are facing trial for the offences punishable under Sections 147, 148, 294(b), 506(2) of IPC.

2.The case of the petitioners is that there was dispute in construction of compound wall between the first petitioner and the second respondent/defacto complainant, who is residing in adjacent plot. On 27.03.2022 at about 03.30 p.m., the petitioners and other accused had come to the house of the second respondent/defacto complainant and used abusive words and thereafter, the second respondent/defacto complainant was pulled down and slapped by the accused, which was questioned by the second respondent/defacto complainant's children, who were pulled down and beaten heavily.

3. The contention of the petitioners is that the second respondent/defacto complainant's son misbehaved and made improper physical touch on the minor daughter of the first petitioner's sister, which was questioned by them. A case in Crime No. 45 of 2022 of Satur Police Station was registered against him under Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (POSCO Act), and a charge sheet was filed in Spl.S.C.No.280 of 2022 before the Special Court for the exclusive trial of POCSO Act cases, Madurai. Aggrieved by this, the second respondent/defacto complainant has lodged the present complaint, using as arm twisting method to the earlier case filed by the petitioner's family.



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4. Considering the above reasons, the personal appearance of the petitioners alone in C.C.No.36 of 2023, on the file of the District Munsif cum Judicial Magistrate Court, Peraiyur, 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.

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/ 01 /2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
SAPTUR, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
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IN
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Date :08/01/2025

PSP/ VR /SAR /20.01.2025/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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