



1 *Crl.O.P.(MD) No.1508 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD). No.1508 of 2025

and

Crl.M.P(MD). Nos.1027 and 1028 of 2020

1.Prabhu

2.Muniyasamy

3.Sangiilmurigan

4.Ilayaraja

5.Muthukumar

6.Rajendhiran

7.Sankar

... Petitioners/A1 to A7

Vs.

1.The State rep., by

The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
Crime No.72 of 2022

2.Tharmadurai

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 o BNSS

praying to call for the records in CC.No.334 of 2023 on the file of the



learned Judicial Magistrate, Kamuthi, Ramanathapuram District and
quash the same as illegal.

For Petitioners : Mr.RL.Dhilipan Pandian

For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

This petition has been filed to quash the proceedings in CC.No.334 of 2023 on the file of the learned Judicial Magistrate, Kamuthi, Ramanathapuram District.

2.The case of the prosecution is that due to previous enmity, the accused persons way laid the defacto complainant and his family members during participating in the temple festival and also attacked with weapon and threatened with dire consequences. Thereafter, the second respondent gave a complaint, for which, the first respondent Police registered a case in Crime No.72 of 2022 for the offence under Sections 147, 148, 341, 294(b), 323, 324 and 506(2) of IPC. Thereafter, the first respondent filed a final report and the same was taken on file in CC.No.334 of 2023 by the learned Judicial Magistrate, Kamuthi,



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Ramanathapuram District. Challenging the same, the present criminal original petition has been filed.

3.Today, when the matter was taken up for hearing, the learned counsel for the petitioners seeks permission of this Court to raise all the points before the trial Court at the time of trial. He further requested this Court to dispense with the appearance of the petitioners before the trial Court during trial.

4.This Court is inclined to accept the request of the learned counsel for the petitioners. Accordingly, this Criminal Original Petition is disposed of. The petitioners are at liberty to raise all the points before the trial Court and the trial Court is directed to consider the same independently. The personal appearance of the petitioners is dispensed with before the trial Court on all hearing dates except the following hearings:

- (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
- (ii) The date of questioning under Section 313 Cr.P.C;
- (iii) On the date of Judgement.



5. In addition,

5.1 The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.

5.2. The petitioners shall not dispute the identity of the witnesses.

5.3. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification.

5.4. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

Consequently, connected miscellaneous petitions are closed.

27.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



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- 1.The Judicial Magistrate, Kamuthi, Ramanathapuram District.
- 2.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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6 *Crl.O.P.(MD) No.1508 of 2025*

K.K.RAMAKRISHNAN, J.

Rmk

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and
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