



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

Thursday, the Third day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6989 of 2019
IN
CRL OP(MD) No.11092 of 2019

SUDHAHARAN

... PETITIONER/PETITIONER/SOLE ACCUSED

Vs

1 THE STATE REP. BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH,
THENI.

2 THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT

IN CRIME NO. 430 /2014 ...RESPONDENT Nos.1 & 2
/RESPONDENT Nos. 1&2/ COMPLAINANTS

3 UMARANI

...2nd RESPONDENT/2nd RESPONDENT
/DEFACTO COMPLAINANT

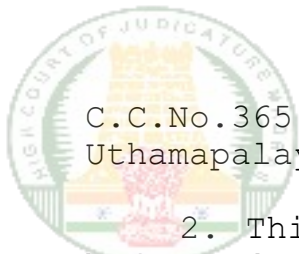
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the Petitioner pertaining to the case in C.C. No. 365 of 2015 pending on the file of the Judicial Magistrate, Uthamapalayam Theni District Pending disposal of the quash petition.

Prayer in CRL OP(MD) . 11092/ 2019 :

To Call for the records pertaining to the proceedings pending in C.C. No. 365 of 2015 on the file of the Judicial Magistrate, Uthamapalayam, Theni District and quash the same.

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.R.ARAVINDAN, Advocate for the petitioner and of MR.M.MUTHUMANIKKAN, Government Advocate (Crl.Side) on behalf of the Respondents 1 and 2, the court made the following order:-

This Criminal Miscellaneous Petition has been filed praying to dispense with the personal appearance of the petitioner in



C.C.No.365 of 2015, on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District.

2. This petition is ordered and the presence of the petitioner before the trial Court shall be dispensed with on condition that he shall be present on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial Court.

3. The petitioner is 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 petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.**

sd/-

03/02/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME BRANCH, THENI.
- 4 THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION, THENI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.6989 of 2019

IN

CRL OP(MD) No.11092 of 2019

Date : 03/02/2022

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