



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

Monday, the Fifth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.14966 of 2022
and
Crl.O.P(MD)No.21342 of 2022

M.ARUMUGAM

... PETITIONER/PETITIONER

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUANGAR DISTRICT
(CRIME NO.348 OF 2013)

2 ANTHONY

... RESPONDENTS/RESPONDENTS

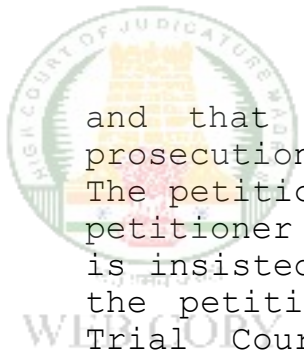
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioner in CC.No.148 of 2018 on the file of the Judicial Magistrate, Rajapalayam pending disposal of the above criminal original petition

Prayer in CRL OP(MD). 21342/ 2022 :

To call for the records relating to the criminal case records /proceedings in CC.NO.148 of 2018 on the file of the Judicial Magistrate, Rajapalayam and quash the same in so far as the petitioner is concerned.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ATHIMOOLAPANDIAN P, Advocate for the petitioner and of M/S.E.ANTONY SAHAYA PRABAKAR, Additional Public Prosecutor on behalf of the Respondent No.1 the court made the following order:-

Considering the fact and circumstances of the case, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he 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 all the hearings, specifically directed by the trial court. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates



and that the Counsel representing her 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 dilatorious 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/-
05/12/2022

/ TRUE COPY /

/12/2022

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

LR

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SRIVILLIPUTHUR @ VIRUDHUANGAR.
3. THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUANGAR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-14431[I] dated 07/12/2022)

ORDER
IN
Crl.M.P. (MD) No.14966 of 2022
and
Crl.O.P (MD) No.21342 of 2022
Date : 05/12/2022

RK/SSS/SAR-1 (15/12/2022) 2P/6C