



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Ninth day of December Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P (MD) No.15291 of 2022

in

Crl.O.P (MD) No.21725 of 2022

S.MARI GANESH

... PETITIONER / ACCUSED NO.1

Vs

K.SOMU

... RESPONDENT / 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 appearance of the Petitioner/Accused in CC.No.166 of 2022 pending before the Judicial Magistrate/Fast Track Court (Magisterial Level), Tuticorin District.

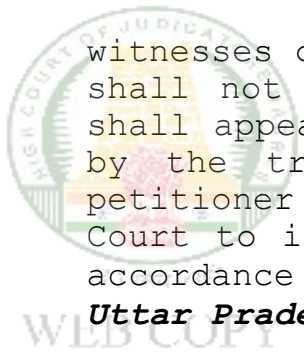
Prayer in CRL OP(MD). 21725/ 2022 :

To call for the records in CC.No.166 of 2022 pending before the Judicial Magistrate/Fast Track Court (Magisterial Level), Tuticorin District and quash the complaint against this Petitioner/Accused in CC.No.166 of 2022 pending on the file of the Judicial Magistrate/Fast Track Court (Magistrate Level), Tuticorin, Tuticorin District.

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.RAAMAKRISHNAN KA, Advocate for the petitioner, the court made the following order:-

Heard the learned Counsel appearing for the Petitioner.

2.Considering the facts 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 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 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/-
09/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
/FAST TRACK COURT(MAGISTERIAL LEVEL),
TUTICORIN DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

+1 CC to M/s.RAAMAKRISHNAN KA, Advocate (SR-14741[I] dated
13/12/2022)

ORDER
IN
Crl.M.P(MD)No.15291 of 2022
in
Crl.O.P(MD)No.21725 of 2022
Date :09/12/2022

LR
MK/SSS/SAR 3/21.12.2022/2P/4C