



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.16166 of 2022

IN

CRL OP(MD)NO.22859 of 2022

1 ANNAMANI

2 VELLASAMY

3 SANKARAPANDIAN

4 THIRUMALAIYANDI

5 KARUPPIAH

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
CRIME NO.205 OF 2021.

...1st RESPONDENT/1st RESPONDENT

2 EESHWARAN

...2nd RESPONDENT/2nd RESPONDENT

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 Petitioners in Charge Sheet in CC.No.246 of 2022 on the file of the Additional Munsif cum Judicial Magistrate Court,Sivagiri,Tenkasi District.

Prayer in CRL OP(MD). 22859/ 2022 :

To call for the records and quash the proceedings of the Charge Sheet in CC.No.246 of 2022 on the file of the Additional District Munsif cum Judicial Magistrate Court,Sivagiri.

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.V.KATHIRVELU, Senior Counsel for M/S.PRABHU K, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Criminal Side) on behalf of the 1st Respondent, the court made

<https://www.court.gov.in/> Digitally signed order:-



Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

2.Considering the facts and circumstances of the case, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with, on conditions 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 trial judge for the purpose of identification. 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**.

sd/-
23/12/2022

/ TRUE COPY /

/01/2023

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

LR
TO

1 THE ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, SIVAGIRI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION, TENKASI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.16166 of 2022
IN
CRL OP(MD) NO.22859 of 2022
Date :23/12/2022

PKP/MMS/SAR-4/03.01.2023/2P/5C

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