



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.15761 of 2022
and
CRL OP(MD)No. 22318 of 2022

RAJESH @ JOSEPH RAJESH PANDIAN, ... PETITIONER/ACCUSED

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.110 OF 2016. ...RESPONDENT/COMPLAINANT

2 VARATHARAJA PERUMAL ... 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 before the trial court in connection with the case in CC.No.569 of 2022 pending on the file of the learned Judicial Magistrate, Tiruchendur, Thoothukudi District pending disposal of the main quash petition pending on the file of this Hon'ble Court.

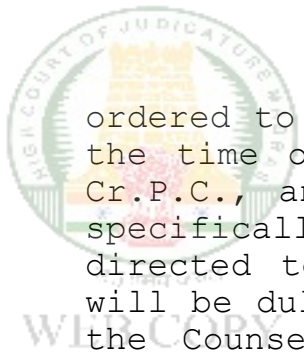
Prayer in CRL OP(MD)No. 22318/ 2022 :

To call for the entire records pertaining to the case in CC.No.569 of 2022 pending on the file of the Learned Judicial Magistrate, Tiruchendur, Thoothukudi District and quash the same as against the Petitioner.

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.ANAND R, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. Considering the facts and circumstances of the case, the
<https://www.mca.gov.in/judis> appearance of the petitioner before the trial Court is



ordered to be dispensed with, on conditions that he shall 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/-

19/12/2022

/ TRUE COPY /

/12/2022

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

LR

TO

- 1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.15761 of 2022
and

CRL OP(MD) No. 22318 of 2022

Date :19/12/2022

PKP/VR/SAR-4/27.12.2022/2P/5C

<https://www.mhc.tn.gov.in/judis>