



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

Wednesday, the Twenty First day of December Two Thousand and
Twenty Two
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.15974 of 2022
IN
CRL OP(MD) No.22599 of 2022

1 GANESAN
2 VALI
3 INDHRA

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.4/2018.

2 PONNUPANDI

... RESPONDENTS/RESPONDENTS

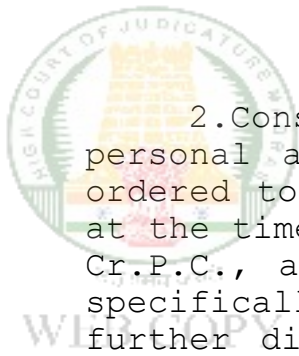
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with Personal Appearance of the Petitioner before the Trial Court of the Impugned Charge Sheet in CC No.228/2022 on the file of the Learned Judicial Magistrate, Aruppukottai in connection with Crime No.4/2018 on the file of the 1st Respondent Police pending disposal of the above Quash Petition.

Prayer in CRL OP(MD). 22599/ 2022 :

To call for the records pertaining to the case registered in Impugned Charge Sheet in CC No.228/2022 on the file of the Learned Judicial Magistrate, Aruppukottai in connection with Crime No.4 of 2018 on the file of the 1st Respondent Police and Quash the same as illegal.

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. ARUN.B, Advocate for the petitioner and of Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor.



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 dilatorious 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/-

21/12/2022

/ TRUE COPY /

/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. ARUN.B Advocate SR.No.15536 (I) Date:23/12/2022

ORDER IN

CRL MP(MD) No.15974 of 2022
IN
CRL OP(MD) No.22599 of 2022
Date :21/12/2022

SA/MMS/SAR.1/27.12.2022/2P/6C