



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P (MD) No.16004 of 2022
in
Crl.O.P. (MD) No.22626 of 2022

KAMAL BATCHA

... PETITIONER / PETITIONER

Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KAMUTHI,
RAMANATHPURAM DISTRICT.
CRIME NO.3 OF 2022.

2 PARGANA ABROSE

... 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.280 of 2022 on the file of the Learned District Munsif cum Judicial Magistrate, Kamuthi, Ramathapuram District pending disposal of the Quash Petition.

Prayer in CRL OP(MD). 22626/ 2022 :

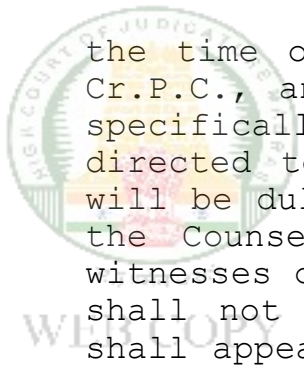
To call for the records in connection with in CC.No.280 of 2022 on the file of the Learned District Munsif cum Judicial Magistrate, Kamuthi and quash the same in respect of the Petitioner alone and illegal.

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

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

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

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



the time of initial questioning, proceedings under Section 167 of Cr.P.C., and at the time of passing judgment and on the orders, 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/-
21/12/2022

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KAMUTHI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KAMUTHI,
RAMANATHPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P (MD) No.16004 of 2022
in
Crl.O.P. (MD) No.22626 of 2022
Date :21/12/2022

lr
MK/BUC/SAR 3/27.12.2022/2P/5C