



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.16044 of 2022
in
Crl.O.P.(MD)No.22689 of 2022

S.THIRUVALLUVAN

... PETITIONER / PETITIONER

Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR.
(CRIME NO.10/2022)

2 K.KANNAN

... RESPONDENT / 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 personal appearance before the Learned Judicial Magistrate Court No.2, Virudhunagar, pending disposal of the above Criminal Original Petition.

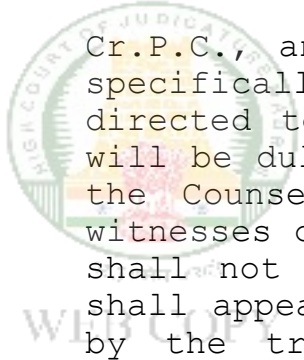
Prayer in CRL OP(MD). 22689/ 2022 :

To call for the records relating to the CC.No.622/2022 on the file of the Learned Judicial Magistrate No.2, Virudhunagar and Quash the same as illegal in Petitioner concerned.

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.K.K.RAMAKRISHNAN, Advocate for M/S.MUTHUKAMATCHI V, 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.

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 11.12.2022, specifically directed by the trial court. The petitioner is directed to give an undertaking in the form of affidavit that she 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 /

/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.2
VIRUDHUNAGAR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MUTHUKAMATCHI V, Advocate (SR-15260[I] dated
21/12/2022)

ORDER
IN
Crl.M.P(MD)No.16044 of 2022
in
Crl.O.P.(MD)No.22689 of 2022
Date :21/12/2022

lr
MK/MMS/SAR /29.12.2022/2P/6C