



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.16022 of 2022

IN

CRL OP(MD) No.22673 of 2022

WEB COPY

- 1 SHANMUGAVEL
- 2 PALANICHAMY
- 3 RAJMOHAN
- 4 GUNASEKARAN

... PETITIONERS/PETITIONERS

Vs

- 1 State Rep.by
THE SUB INSPECTOR OF POLICE
BAZAAR POLICE STATION,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.56/2021)

- 2 CHINNAN
THE SUB INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

... RESPONDENTS/RESPONDENTS

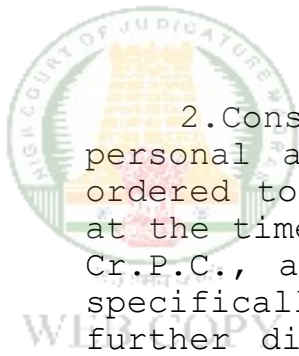
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of Petitioners herein before the Learned Judicial Magistrate No.I, Virudhunagar in S.T.C.No.3/2022 pending disposal of the present Criminal Original Petition.

Prayer in CRL OP(MD). 22673/ 2022 :

To call for the records relating to the proceedings of charge sheet in S.T.C.No.3/2022 pending on the file of Learned Judicial Magistrate No.I, Virudhunagar, Quash the same against the petitioners/Accused No.1 to 4.

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.MARIAPPAN.G, Advocate for the petitioners and of MR.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 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 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/-

21/12/2022

/ TRUE COPY /

/01/2023

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

lr

TO

1 THE SUB INSPECTOR OF POLICE, BAZAAR POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

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

+1. C.C. to M/S.MARIAPPAN.G Advocate SR.No.15310[I]

ORDER

IN

CRL MP(MD) No.16022 of 2022

IN

CRL OP(MD) No.22673 of 2022

Date :21/12/2022

RS/VR/SAR.3(02.01.2023) 2P-4C