



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

Friday, the Twenty Third day of December Two Thousand and Twenty
Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.16335 of 2022
in
CRL OP(MD)No.23039 of 2022

HARIHARAN

... PETITIONER/PETITIONER

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
KARUPPAYOORANI, MADURAI.

2 THE INSPECTOR OF POLICE
KARUPPAYOORANI POLICE STATION,
MADURAI
(CRIME NO. 78 OF 2022)

3 AMUTHA

...RESPONDENTS/RESPONDENTS

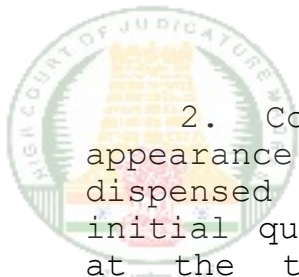
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the petitioner in Spl.S.C.No. 140 of 2022 on the file of the III Additional District Court (PCR), Madurai and pending disposal of the above Crl.O.P.

Prayer in CRL OP(MD). 23039/ 2022 :

To call for the records relating to Spl.S.C.No. 140 of 2022 on the file of the III Additional District Court (PCR), Madurai pending disposal of the above Criminal Original Petition before this Hon'ble High Court, and Quash the same.

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. RAMESHKUMAR.D, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondents 1 & 2, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.



2. Considering the facts and circumstances, the 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 all 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 him 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 dilatorious 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/-
23/12/2022

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

- 1 THE III ADDITIONAL DISTRICT JUDGE (PCR),
MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
KARUPPAYOORANI, MADURAI.
- 3 THE INSPECTOR OF POLICE
KARUPPAYOORANI POLICE STATION, MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.16335 of 2022
in
CRL OP(MD) No.23039 of 2022
Date :23/12/2022

PKP/MMS/SAR-4/03.01.2023/2P/5C

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