



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

Thursday, the Nineteenth day of January Two Thousand and  
Twenty Three

WEB COPY

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL MP(MD) No.242 of 2023  
IN  
CRL OP(MD) No.291 of 2023

SAHAYAM

... PETITIONER/SOLE ACCUSED

**Vs**

1 THE INSPECTOR OF POLICE  
PARAMAKUDI TOWN POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
CRIME NO.255 OF 2017.

... RESPONDENT/COMPLAINANT

2 ARULANDHU SMT

... RESPONDENT/DEFACTO COMPLAINANT

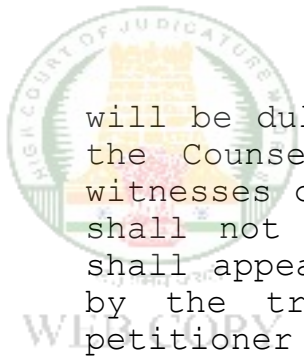
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the Petitioners in CC.No.60 of 2021 on the Learned Judicial Magistrate,Paramakudi,Ramanathapuram District pending disposal of the above Quash Petition.

**Prayer in CRL OP(MD) . 291/ 2023 :**

To call for the records relating to the proceedings of CC.No.60 of 2021 on the Learned Judicial Magistrate,Paramakudi,Ramanathapuram District 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.ARUN SWAMINATHAN RM., Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(crl.side) on behalf of the 1<sup>st</sup> Respondent, the court made the following order:-

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 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 at 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 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/-  
19/01/2023

/ TRUE COPY /

/01/2023

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

DAS  
TO

- 1 THE JUDICIAL MAGISTRATE,  
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE  
PARAMAKUDI TOWN POLICE STATION,  
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. C.C. to M/S.ARUN SWAMINATHAN RM. Advocate SR.No.918 (I)  
Date:20/01/2023.

**ORDER**

**IN**

CRL MP(MD) No.242 of 2023  
IN  
CRL OP(MD) No.291 of 2023  
Date :19/01/2023

SA/MMS/SAR.4/27.01.2023/2P/6C