



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

Tuesday, the Tenth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.320 of 2023
IN
CRL OP(MD) No.405 of 2023

KUMARESAN

... PETITIONER/PETITIONER

Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL WING,
VIRUDHUNAGAR DISTRICT
(CRIME NO.41 OF 2011)

2 RAMACHANDRAN

... RESPONDENTS/RESPONDENTS

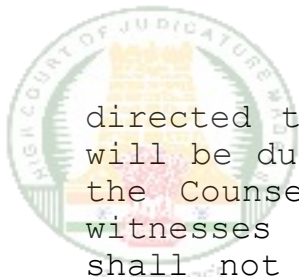
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioner before the Special Judicial Magistrate (Special Court for Land Grabbing Cases), Virudhunagar in CC.No.11 of 2022, pending disposal of the above this Crl.OP.

Prayer in CRL OP(MD) . 405/ 2023 :

To call for the records in CC.No.11 of 2022 pending on the file of the Special Judicial Magistrate (Special Court for Land Grabbing Cases), Virudhunagar, and to quash the same in so far as the petitioner/accused No.15 is 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 M/S.RAJAMOHAN R, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(crl.side) on behalf of the 1st 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. He 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 he is 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/-

10/01/2023

/ TRUE COPY /

/01/2023

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

DAS

TO

- 1 THE SPECIAL JUDICIAL MAGISTRATE,
(SPECIAL COURT FOR LAND GRABBING CASES),
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL WING,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.RAJAMOHAN R Advocate SR.No.460

ORDER

IN

CRL MP(MD) No.320 of 2023
IN

CRL OP(MD) No.405 of 2023
Date :10/01/2023

SA/MMS/SAR.4/19.01.2023/2P/6C