



WEB COPY

CRL MP(MD)



23

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

Friday, the Sixth day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.201 of 2023
IN CRL OP(MD).274 OF 2023

1 GANESHAN

2 GUNA @ MURUGESHAN

... PETITIONERS/PETITIONERS

Vs

1 THE INSPECTOR OF POLICE
SENDHAMARAM POLICE STATION,
TIRUNELVELI DISTRICT. (CRIME NO.56/2018).

2 SASIKUMAR

... 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 petitioners in Impugned CC No.172/2022 dt.28/6/2022, on the file of the Judicial Magistrate, Tenkasi filed in FIR in Crime No.56/2018 registered on the file of 1st respondent police under Sections 294 (b), 506(i) of IPC and section 4 of Tamil Nadu Prohibition Charging Exorbitant Interest Act, 2003 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 on 21.02.2018, Pending Disposal of the above Quash Petition.

Prayer in CRL OP(MD). 274/ 2023 :

To call for the records pertaining to the Impugned CC No.172 of 2022 dt.28/6/2022, on the file of the Judicial Magistrate Court, Tenkasi filed in FIR in Crime No.56/2018 registered on the file of 1st respondent police under Sections 294(b), 506(i) of IPC and section 4 of Tamil Nadu Prohibition Charging Exorbitant Interest Act, 2003 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 on 21.02.2018 and quash the same as illegal in so far as the petitioner 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.VISHNUVARTHANAN P M, Advocate for the petitioner and of MR.M.Muthumanikam, Govt. Advocate for the 1st Respondents the court made the following order:-

Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.



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 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 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/-
06/01/2023

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE
SENDHAMARAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.201 of 2023
IN CRL OP(MD).274 OF 2023
Date :06/01/2023

TR/BUC/SAR-II(19.01.2023) 2P 5C

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