



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.164 of 2023
IN
CRL OP(MD) No.193 of 2023

1 ASHOKKUMAR @ ASHOK
2 SAROJA

... PETITIONERS/PETITIONERS

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
KATTUPUTHUR, TRICHY DISTRICT.
(CRIME NO.33/2022).

2 BHUVANESHWARI

... 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 STC No.09/2022 on the file of the District Munsif Cum Judicial Magistrate, Thottiyam pending disposal of the above this Petition.

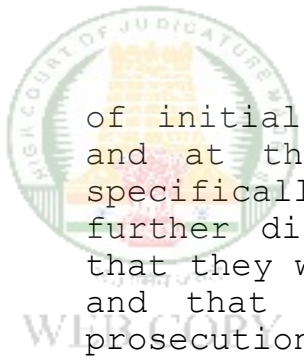
Prayer in CRL OP(MD). 193/ 2023 :

To call for the records pertaining to the Charge Sheet in STC No.09/2022 on the file of the District Munsif Cum Judicial Magistrate, Thottiyam and quash the same as illegal as against the petitioners.

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.ARUNRAJ K, Advocate for the petitioners and of MR.M.MUTHUMANIKKAM, Government Advocate (Crl.Side) on behalf of the 1st Respondent, the court made the following order:-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2.Considering the facts and circumstances, 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 ., and at the time of passing judgment and on all 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 adopts 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/-

05/01/2023

/ TRUE COPY /

/01/2023

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THOTTIYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, KATTUPUTHUR POLICE STATION, KATTUPUTHUR, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.164 of 2023

IN

CRL OP(MD) No.193 of 2023

Date :05/01/2023

RS/SSS/SAR.2(10.01.2023) 2P-5C