



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Ninth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.285 of 2023

in

Crl.O.P.(MD)No.377 of 2023

R.RAGAVAN

... PETITIONER / PETITIONER

Vs

1 THE STATE REP.BY

THE INSPECTOR OF POLICE

DCB-POLICE STATION, THANJAVUR DISTRICT.

CRIME NO.6 OF 2020.

2 S.RAJARAJAN

... RESPONDENTS / COMPLAINANTS

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 all further proceedings in CC.No.228 of 2022 pending on the file of the Judicial Magistrate-II,Thanjavur District till the disposal of the main Petition.

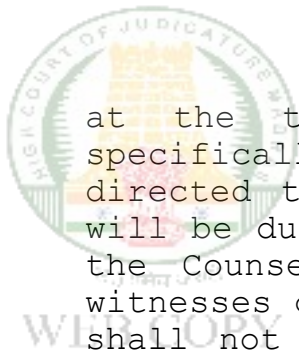
Prayer in CRL OP(MD). 377/ 2023 :

To call for the records on the file of Judicial Magistrate-II,Thanjavur District in CC.No.228 of 2022 pending as against the Petitioner herein and quash the same in respect of the petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of RAMESH A, 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:-

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

2. Considering the facts and circumstances, 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 cross-examination, proceedings under Section 313 of Cr.P.C., and



at the time of passing judgment and on all the , 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 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/-

09/01/2023

/ TRUE COPY /

/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
DCB-POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P. (MD) No.285 of 2023
in
Crl.O.P. (MD) No.377 of 2023
Date :09/01/2023

csm
MK/VR/SAR II(19.01.2023) 2P 5C