



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.204 of 2023
in CRL OP(MD).275 of 2023

1 JEEVA @ JEEVANANTHAM

2 RAJA

3 KARUPPAIAH

4 SARAVANAN ... PETITIONERS NOS.1 TO 4/ACCUSED NOS.1 TO 4

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
MELUR DIVISION,MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION.
MADURAI DISTRICT.

(CRIME NO.93 OF 2015) ... 1st & 2nd Respondents / Complainants

3 MARIMUTHU ... 3rd 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 Spl.S.C.No.54 of 2022 pending on the file of the learned III Additional District Court(PCR), Madurai and thus render justice.

Prayer in CRL OP(MD). 275/ 2023 :

To call for the records relating to the Spl.S.C.No,54 of 2022 pending on the file of the learned III Additional District Court (PCR), Madurai 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.G.KARUPPASAMY PANDIYAN, Advocate for the petitioner and of Mr.E.ANNTONY SAHAYA PRABAHAR, Advocate for Respondent the court made the following order:-



Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

2. Considering the facts and circumstances of the case, 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 Cr.P.C., and at the time of passing judgment and on 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 adopt any dilatorious 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/-
09/01/2023

/ TRUE COPY /

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

TO

1. THE III ADDITIONAL DISTRICT COURT (PCR), MADURAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
MELUR DIVISION, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION. MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP (MD) No.204 of 2023
in CRL OP (MD).275 of 2023
Date :09/01/2023

TR/MMS/SAR-I (12.01.2023) 2P 5C