



WEB COPY

CRL MP(MD)



23

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

Wednesday, the Eighth day of February Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.2079 of 2023

in
Crl.O.P.(MD)No.2309 of 2023

K.RAMESH

... PETITIONER/ PETITIONER

Vs

1 R.SUDHA

2 R.VENKATARAMANA

3 NANDAKRISHNAN

... 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 in connection with the above M.C NO. 149/2022 on the file of the learned Family court, Theni pending disposal of the above quash petition

Prayer in CRL OP(MD). 2309/ 2023 :

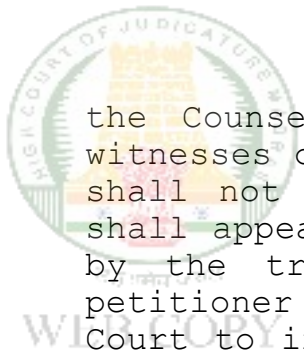
To call for the records pertaining to the M.C No. 149/2022 on the file of the learned Family court, Theni and quash the same and pass such other orders.

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.JEGANATHAN C, Advocate for the petitioner the court made the following order:-

The learned counsel appearing for the petitioner would submit that the first respondent herein filed a maintenance petition under Section 125 Cr.P.C., and that the second and third respondents are major sons of the petitioner. He would further submit that the petitioner underwent treatment for renal transplantation and therefore, he would pray that his personal appearance before the Family Court, Theni may be dispensed with.

2.Considering the above 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 initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all 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

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the Counsel representing him will cross examine the pro on 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/-

08/02/2023

/ TRUE COPY /

/03/2023

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

TO

The Judge,
Family court, Theni.

ORDER

IN

CRL MP(MD) No.2079 of 2023
in

CrI.O.P.(MD)No.2309 of 2023

Date :08/02/2023

VA/VR/SAR-I 01/03/2023 **2P** 2C