



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

Wednesday, the Eleventh day of January Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.533 of 2023

IN

CRL OP(MD) 605 OF 2023

- 1 LAKSHMANAN
- 2 BALASUBRAMANIYAN
- 3 CHITHIRAI KANNU @ CHITHRAI KANNU
- 4 POOLOGARAJ @ BULOGARAJ
- 5 NATARAJAN @ NADARAJ

... PETITIONERS/PETITIONERS

Vs

The State rep.by,.
THE INSPECTOR OF POLICE
V.K.PUDUR POLICE STATION,
TENKASI DISTRICT. (CRIME NO.251/2017)

... RESPONDENT/RESPONDENT

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.1577/2017 on the file of the Judicial Magistrate, Alankulam, till the disposal of the above quash petition.

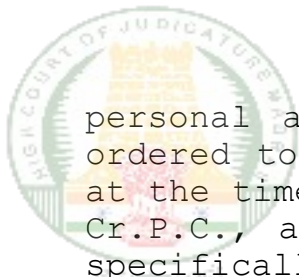
Prayer in CRL OP(MD). 605/ 2023 :

To call for the records pertaining to STC no.1577/2017 on the file of Judicial Magistrate, Alankulam, 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.SUBBIAH P, Advocate for the petitioner and of M/S ANTONY SAHAYA PRABAHAR E, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

<https://www.mhc.tr2.gov.in/judis> Considering the facts and circumstances of the case, the



personal appearance of the petitioners before the trial 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/-

11/01/2023

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/01/2023

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

LR

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANKULAM,
- 2 -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
V.K.PUDUR POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.533 of 2023

Date :11/01/2023