



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.535 of 2023

in

CRL OP(MD) No. 606 OF 2023

1 THONTHI GANESAN

2 VIJAY

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP BY,  
THE INSPECTOR OF POLICE  
THIRUPURVANAM POLICE STATION,  
SIVAGANGAI DISTRICT.  
CRIME NO. 446/2017

2 LAKSHMI

...RESPONDENTS/RESPONDENTS

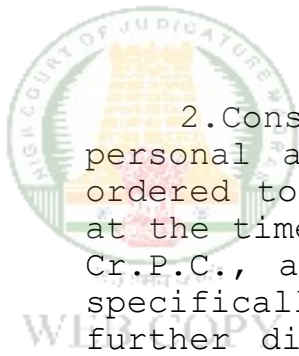
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioners in connection with the charge sheet in C.C No. 86/2020 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam pending disposal of the above Crl O.P.

Prayer in CRL OP(MD). 606/ 2023 :

To call for the records pertaining to the charge sheet in C.C No. 86/2020 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam 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.MALAIYENDRAN.V, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1<sup>st</sup> Respondent, the court made the following order:-

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



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/-  
11/01/2023

/ TRUE COPY /

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

LR

TO

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

ORDER  
IN  
CRL MP(MD) No.535 of 2023  
in  
CRL OP(MD)No. 606 OF 2023  
Date :11/01/2023

PKP/MMS/SAR-2/23.01.2023/2P/5C

<https://www.mhc.tn.gov.in/judis>