



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

Tuesday, the Tenth day of January Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.374 of 2023

IN

CRL OP(MD) No.439 of 2023

1 M.XAVIER
2 G.NAGALAKSHMI

... PETITIONERS/
PETITIONERS

Vs

1 THE ASSISTANT SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT

2 THE INSPECTOR OF POLICE
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT
(CRIME NO.84 OF 2022)

3 PANDISELVI

... 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 Special SC.No.37 of 2022 on the file of Sessions Court (Special Court for SC/ST POA), Dindigul pending disposal of the above Criminal Original Petition

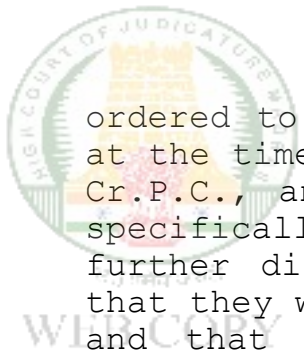
Prayer in CRL OP(MD) . 439/ 2023 :

To call for the records relating to the proceedings in Special SC.No.37 of 2022 on the file of Sessions Court (Special Court for SC/ST POA) Dindigul and quash the same in so far as for the offences under sections 3(1)(r), 3(1)(s), 3(2)(va) and 3(1)(g) of the Schedule Caste and Schedule Tribes(Prevention of Atrocities) Amendment Act, 2015 dated 25.08.2022.

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.ANTONY ARUL RAJ.T, Advocate for the petitioners and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondents No.1 & 2, the court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioners before the trial Court is

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



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 dilatorial 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/-

10/01/2023

/ TRUE COPY /

/01/2023

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

DAS
TO

- 1 THE SESSIONS JUDGE, (SPECIAL COURT FOR SC/ST POA),
DINDIGUL
- 2 THE ASSISTANT SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**ORDER
IN**

CRL MP(MD) No.374 of 2023
IN
CRL OP(MD) No.439 of 2023
Date :10/01/2023

SA/BUC/SAR.4/23.01.2023/2P/5C