



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

Thursday, the Twelfth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.591 of 2023
in
CRL OP(MD)No. 635 of 2023

AYYAPPAN

... PETITIONER/PETITIONER

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
CRIME NO.518 OF 2021.

...1st RESPONDENT/1st RESPONDENT

2 SHEAK MOHAMED

... 2nd RESPONDENT/2nd 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 Petitioner/ (*)A3 in connection with the above Charge Sheet in Cc.No.226 of 2022 on the file of the Learned Judicial Magistrate,Theni pending disposal of the above Quash Petition.

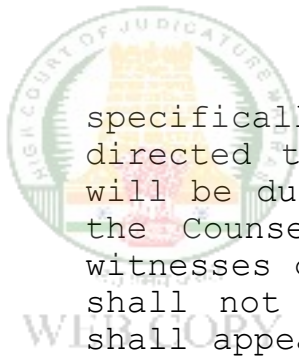
Prayer in CRL OP(MD) . 635/ 2023 :

To call for the records pertaining to CC.No.226 of 2022 on the file of the Learned Judicial Magistrate,Theni and quash the same in so far as the Petitioner/A3 is concerned.

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.VISHNU J, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. Considering the 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 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 the Counsel representing him will cross examine the prosecution 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/-

12/01/2023

**(*)FOR BEING MENTIONED, AS PER THE
ORDER OF THIS HONOURABLE COURT DATED
02/02/2023 IN CRL MP(MD)NO. 591 of 2023
IN CRL OP(MD) No.635 of 2023.**

/ TRUE COPY /

/02/2023

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

CSM
TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. VISHNU.J Advocate SR.No.1795(I)

ORDER
IN
CRL MP(MD) No.591 of 2023
in
CRL OP(MD)No. 635 of 2023
Date :12/01/2023

VA/CG/SAR-2/08.02.2023/2P/6C