



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.542 of 2023
in CRL OP(MD).612 OF 2023

1 MANIKANDAN @ SUKULA @ AAVINDKUMAR, ... PETITIONER/PETITIONER

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI,
SIVAGANGAI DISTRICT
(CRIME NO.50 OF 2014)

2 RAVISANKAR ... 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 CC.No.470 of 2019 on the file of the Judicial Magistrate No.II, Sivagangai.

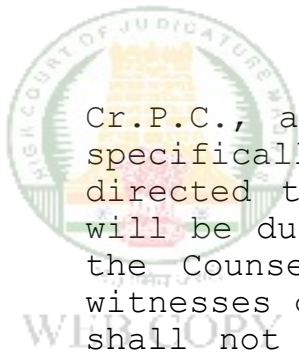
Prayer in CRL OP(MD). 612/ 2023 :

To call for the records pertaining to the CC.No.470 of 2019 on the file of the Judicial Magistrate No.II, Sivagangai and quash the proceedings as against the petitioner herein and pass such further or 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.MADHAVA GOVINDAN N, Advocate for the petitioner, 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 of the case, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he shall appear at the trial Court for initial questioning, proceedings under Section 313 of



Cr.P.C., and at the time of passing judgment and on the :
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 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 dilatorical 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/-

11/01/2023

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/01/2023

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

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TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SIVAGANGAI.

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI,
SIVAGANGAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.542 of 2023
in CRL OP(MD).612 OF 2023
Date :11/01/2023

TR/BUC/SAR-I (24.01.2023) 2P 5C