



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.747 of 2023

in

CRL OP(MD)No. 813 of 2023

MAHENDRAN

... PETITIONER/PETITIONER

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.126 OF 2019)

...RESPONDENT/COMPLAINANT

2 N.RENUGA

... 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 C.C.No.255 of 2022 on the file of the Learned Judicial Magistrate No.II,Srivaikundam pending disposal of the above quash petition.

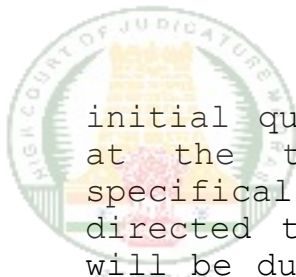
Prayer in CRL OP(MD)No. 813/ 2023 :

To call for the records pertaining to C.C.No.255 of 2022 on the file of the learned Judicial Magistrate No.II,Srivaikundam and the quash against the petitioner 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.SETHURAMAN.R, 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 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 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/-

19/01/2023

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/01/2023

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

CSM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SRIVAIKUNDAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ERAI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.SETHURAMAN.R Advocate SR.No.833(I)

ORDER

IN

CRL MP(MD) No.747 of 2023
in

CRL OP(MD)No. 813 of 2023
Date :19/01/2023

PKP/SSS/SAR-3/27.01.2023/2P/6C

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