



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

Monday, the Thirtieth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1390 of 2023

IN

CRL OP(MD)No.1602 of 2023

1 BALASUBRAMANIAN

2 PORKODI

3 MUTHUKRISHNAN

... PETITIONERS/PETITIONERS
/ACCUSED NOS. 1 TO 3/ ACCUSED NOS. 1 TO 3
Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
CRIME NO.52 OF 2011.

...1ST RESPONDENT/1st RESPONDENT
/ COMPLAINANT/ COMPLAINANT

2 DEIVARAJAN

...2nd RESPONDENT/2nd RESPONDENT
/DEFACTO COMPLAINANT/ DEFACTO COMPLAINANT

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 before the trial Court in the Impugned Charge Sheet in CC.No.16 of 2017 on the file of the Special Judicial Magistrate for Land Grabbing Cases,Madurai in Cr.No.52 of 2011 on the file of the 1st respondent police pending disposal of the above quash petition.

Prayer in CRL OP(MD). 1602/ 2023 :

To call for the records pertaining to the case registered in Impugned Charge Sheet in CC.No.16 of 2017 on the file of the Special Judicial Magistrate for Land Grabbing Cases,Madurai in Cr.No.52 of 2011 on the file of the 1st Respondent Police and quash the same as illegal.

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.LAWRANCE J, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Criminal Side) on behalf of the 1st Respondent, the court made the following order:-



Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) 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 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/-
30/01/2023

/ TRUE COPY /

/02/2023

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

LR
TO

1 THE SPECIAL JUDICIAL MAGISTRATE
FOR LAND GRABBING CASES, MADURAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT.

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

+1 CC to M/s.J.LAWRANCE, Advocate (SR-1502[I] dated 31/01/2023)

ORDER

IN

CRL MP(MD) No.1390 of 2023

IN

CRL OP(MD) No.1602 of 2023

Date :30/01/2023

PKP/BUC/SAR-1/04.02.2023/2P/6C

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