



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

Friday, the Twentieth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.934 of 2023

IN

CRL OP(MD) No.1012 of 2023

SUKULA @ ARAVINDKUMAR

... PETITIONER/ACCUSED NO.5

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI, SIVAGANGAI DISTRICT.
CRIME NO.5/2014

... RESPONDENT/COMPLAINANT

2 MOHAMMED ISHAQUE

... 2ND RESPONDENT/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 in C.C.No. 64 of 2018 on the file of the Judicial Magistrate No.II, Sivagangai.

Prayer in CRL OP(MD). 1012/ 2023 :

To call for the records pertaining to the C.C No. 64 of 2018 on the file of the Judicial Magistrate No.II, Sivagangai and quash the proceedings as against the petitioner herein.

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 and of MR.M.MUTHUMANIKKAM, Government Advocate (Crl.Side) on behalf of the 1st Respondent, the court made the following order:-

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 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 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 her 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/-

20/01/2023

/ TRUE COPY /

/02/2023

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

das

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, SIVAGANGAI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MADHAVA GOVINDAN.N, Advocate (SR-869[I] dated 20/01/2023)

ORDER

IN

CRL MP(MD) No.934 of 2023

IN

CRL OP(MD) No.1012 of 2023

Date :20/01/2023

RS/SSS/SAR.4(01.02.2023) 2P-6C