



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.776 of 2023
IN
CRL OP(MD) No.837 of 2023

T.SUMAN

... PETITIONER/SOLE ACCUSED

Vs

1 THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CRIME NO.608 OF 2016)

... 1st RESPONDENT/COMPLAINANT

2 R.ANUSHA

... 2nd RESPONDENT/DEFACTO COMPLAINANT

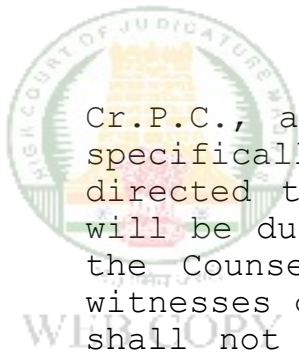
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with personal appearance of the petitioners before the Trial Court in C.C.No.87 of 2017 on the file of the Judicial Magistrate-I, Kuzhithurai and Kanyakumari District pending disposal of the above quash petition.

Prayer in CRL OP(MD). 837/ 2023 :

To call for the records pertaining to C.C.No.87 of 2017 on the file of the Judicial Magistrate-I, Kuzhithurai, Kanyakumari District 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.ANTO PRINCE.G, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondents 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 :
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/-

19/01/2023

/ TRUE COPY /

/01/2023

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE-I,
KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.776 of 2023

IN

CRL OP(MD) No.837 of 2023

Date :19/01/2023

SA/VR/SAR.4/01.02.2023/2P/5C