



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

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

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.860 of 2023

IN

CRL OP(MD) No.958 of 2023

ULAGU @ ULAGANATHAN

... PETITIONER/PETITIONER

Vs

1 THE INSPECTOR OF POLICE
C.S.C.I.D.,
THOOTHUKUDI DISTRICT.
IN CRIME NO.83 OF 2016.

2 CHANDRAN
SPECIAL TAHSILDAR,SPECIAL SQUAD,
THOOTHUKUDI DISTRICT.

... RESPONDENTS/RESPONDENTS

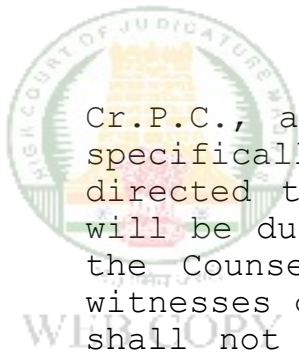
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with personal appearance of the petitioner before the trial court of the impugned charge sheet C.C.No.143 of 2018 on the file of the learned Judicial Magistrate No.IV,Thoothukudi pending disposal of the above quash petition.

Prayer in CRL OP(MD) . 958/ 2023 :

To call for the records pertaining to the case registered in Impugned Charge Sheet in C.C.No.143 of 2018 on the file of the learned Judicial Magistrate No.IV, Thoothukudi 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.MALAIYENDRAN.V, 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:-

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 his 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/-

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.IV,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
C.S.C.I.D.,
THOOTHUKUDI DISTRICT.
IN CRIME NO.83 OF 2016.
- 4 CHANDRAN
SPECIAL TAHSILDAR, SPECIAL SQUAD,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL MP(MD) No.860 of 2023
IN CRL OP(MD) No.958 of 2023
Date :20/01/2023

SA/VR/SAR.4/01.02.2023/2P/6C