



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.959 of 2023

IN

CRL OP(MD) No.1044 of 2023

1 PALANICHAMY
2 RANJITH
3 BALAMURUGAN
4 MURUGANANTHAM
5 SUBBAIAH
6 KARTHIKEYAN

... PETITIONERS/PETITIONERS

Vs

1 State Rep.by
THE SUB INSPECTOR OF POLICE
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.

2 ALAGU

... RESPONDENTS/RESPONDENTS

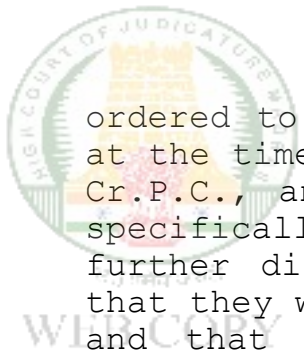
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the Petitioner in CC.No.1560 of 2022 on the file of Judicial Magistrate, Karaikudi concerned in Cr.No.69 of 2021 on the file of Sub Inspector of Police, Kundrakudi Police Station, Sivagangai pending disposal of the above quash petition.

Prayer in CRL OP(MD). 1044/ 2023 :

To call for the records relating to the impugned final report in CC.No.1560 of 2022 on the file of Judicial Magistrate, Karaikudi, concerned in Cr.No.69 of 2021 on the file of Sub Inspector of Police, Kundrakudi Police Station, Sivagagai quash the 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.JANAKIRAMULU V, Advocate for the petitioner and of MR.SS.MADHAVAN, 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 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/-
23/01/2023

/ TRUE COPY /

/02/2023

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

das

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
KUNDRAKUDI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.JANAKIRAMULU.V., Advocate (SR-975[I] dated
23/01/2023)

ORDER
IN
CRL MP(MD) No.959 of 2023
IN
CRL OP(MD) No.1044 of 2023
Date :23/01/2023

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

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