



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

Tuesday, the Twenty Fourth day of January Two Thousand and Twenty
Three
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1038 of 2023

IN

CRL OP(MD) No.1159 of 2023

1 V.RAMACHANDRAN
2 VEERALAKSHMI

... PETITIONER/PETITIONERS

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR TOWN,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.629 OF 2015)

2 S.R.ARJUNA RAJA

... 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 S.T.C.No.1549 of 2022 on the file of the learned Judicial Magistrate No.II, Srivilliputhur, pending disposal of the above Crl.O.P.

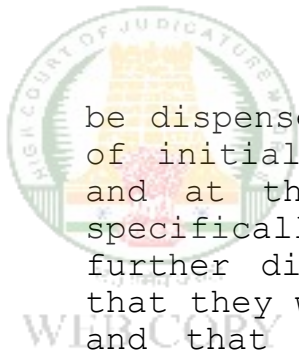
Prayer in CRL OP(MD). 1159/ 2023 :

To call for the records pertaining to the Final report in S.T.c.No.1549 of 2022 pending on the file of the Judicial Magistrate Court No.II, Srivilliputhur and to quash the same in so far as the petitioners are concerned by allowing this criminal original petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.M.ARUMUGAM, Advocate for M/S.THIRUNAVUKKARASU.M, 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:-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

2.Considering the facts and circumstances, 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 all 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 adopts 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/-
24/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION, SRIVILLIPUTHUR TOWN,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-1056[I] dated
24/01/2023)

ORDER
IN
CRL MP(MD) No.1038 of 2023
IN
CRL OP(MD) No.1159 of 2023
Date :24/01/2023

RS/VR/SAR.2(30.01.2023) 2P-6C

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