



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.1042 of 2023

in

Crl.O.P.(MD)No.1161 of 2023

MEPPAL SAKTHI @ SATHIYANATHAN

... PETITIONER/ACCUSED NO.1

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
SIVAGANGAI TOWN P.S,
SIVAGANGAI
CRIME NO. 266 OF 2016

...RESPONDENT/COMPLAINANT

2 KARIKALAN

... 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 S.T.C No. 422 of 2016 pending on the file of the Learned Judicial Magistrate No.1, Sivagangai.

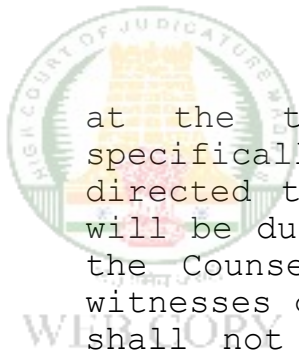
Prayer in CRL OP(MD). 1161/ 2023 :

To call for the records relating to the S.T.C No. 422 of 2016 pending on the file of the Learned Judicial Magistrate No.1, Sivagangai and Quash the same as against the petitioner.

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.KARUPPIAH.G, Advocate for the petitioner and of Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

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

2. Considering the facts and circumstances, 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 cross-examination, proceedings under Section 313 of Cr.P.C., and



at the time of passing judgment and on all 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 him 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/-

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.I,
SIVAGANGAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

Crl.M.P. (MD) No.1042 of 2023
in

Crl.O.P. (MD) No.1161 of 2023

Date :24/01/2023

PKP/BUC/SAR-2/31.01.2023/2P/5C