



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.982 of 2023
in
Crl.O.P.(MD)No.1070 of 2023

MANI

... PETITIONER/PETITIONER

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI CITY,
TIRUNELVELI
(CRIME NO.29 OF 2016)

2 PADMINI

... RESPONDENTS/RESPONDENTS

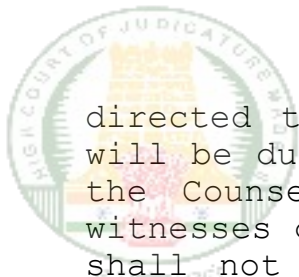
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with personal appearance of the petitioner before the lower Court in CC.No.683 of 2022 on the file of the Special Court for Land Grabbing Cases, Tirunelveli, pending disposal of the main Criminal Original Petition.

Prayer in CRL OP(MD). 1070/ 2023 :

To call for the records pertaining to the impugned charge sheet in CC.No.683 of 2022 on the file of the Special Court for Land Grabbing Cases, Tirunelveli and to quash the same as illegal so far as the petitioner is concern.

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.VELRAJAN.S, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Criminal 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 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 hearings, specially directed by the trial court. The petitioner is further



directed to give an undertaking in the form of affidavit. 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 dilatorious 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/-
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 SPECIAL JUDGE
FOR LAND GRABBING CASES, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI CITY,
TIRUNELVELI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P(MD)No.982 of 2023
in
Crl.O.P.(MD)No.1070 of 2023
Date :23/01/2023

PKP/BUC/SAR-3/02.02.2023/2P/4C