



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

Monday, the Sixth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1824 of 2023
IN
CRL OP(MD) No.2078 of 2023

LEO MATHEW

... PETITIONER/ACCUSED No.3

Vs

1 THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
KANYAKUMARI DISTRICT.

... RESPONDENT No.1/COMPLAINANT

2 THAVAMANI

... RESPONDENT No.2/DEFACTO COMPLAINANT

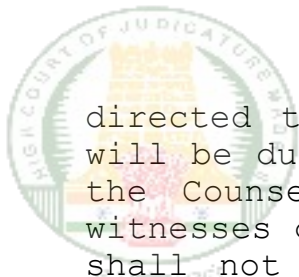
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the Petitioners before the trial court in CC.No.950 of 2022 on the file of the Hon'ble Judicial Magistrate No.I, Nagercoil, Kanyakumari District pending disposal of the above Quash Petition.

Prayer in CRL OP(MD). 2078/ 2023 :

To call for the records pertaining to the Charge Sheet CC.No.950 of 2022 on the file of the Honble Judicial Magistrate No.I, Nagercoil, Kanyakumari District and quash the same as illegal as far as 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.ANTO PRINCE G, Advocate for the petitioner and of Mr.R.SIVAKUMAR, 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 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, specifically 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 her 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/-

06/02/2023

/ 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.I
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL MP (MD) No.1824 of 2023
IN

CRL OP (MD) No.2078 of 2023
Date :06/02/2023

SA/VR/SAR.2/10.02.2023/2P/5C