



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

Friday, the Third day of February Two Thousand and Twenty Three

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL MP(MD) No.1732 of 2023

IN

CRL OP(MD) No.1988 of 2023

MANAVALAN

... PETITIONER/PETITIONER

Vs

1 State Rep.by  
THE SUPERINTENDENT OF POLICE  
DISTRICT CRIME BRANCH,  
THENI.

2 A.CHANDRASEKARAN

... 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.202 of 2022 on the file of Judicial Magistrate, Theni, concerned in Crime No.9 of 2021 on the file of Deputy Superintendent of Police, District Crime Branch, Theni pending disposal of the above quash the petition.

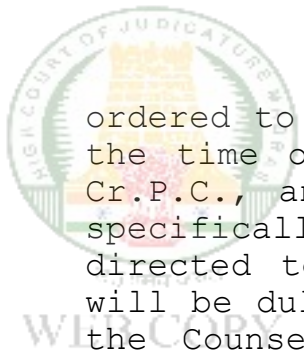
Prayer in CRL OP(MD). 1988/ 2023 :

To call for the records relating to the impugned final report in CC.No.202 of 2022 on the file of Judicial Magistrate, Theni, concerned in Crime No.9 of 2021 on the file of Deputy Superintendent of Police, District Crime Branch, Theni quash the same and allow 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 M/S.APPADURAI.K, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Crl.Side) on behalf of the 1<sup>st</sup> Respondent the court made the following order:-

Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

2.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 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 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/-

03/02/2023

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/02/2023

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

lr

TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE SUPERINTENDENT OF POLICE, DISTRICT CRIME BRANCH, THENI.

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

+1 CC to M/s.K.APPADURAI, Advocate ( SR-1789[I] dated 03/02/2023 )

ORDER

IN

CRL MP(MD) No.1732 of 2023

IN

CRL OP(MD) No.1988 of 2023

Date :03/02/2023

RS/SAR.2(11.02.2023) 2P-6C