



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

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

PRESENT

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

CRL MP(MD) No.1293 of 2023

IN

CRL OP(MD) No.1494 of 2023

ANWAR ALI

... PETITIONER/PETITIONER

Vs

1 State Rep.by  
THE INSPECTOR OF POLICE  
MANNACHANALLUR POLICE STATION,  
THIRUCHIRAPPALLI DISTRICT.  
CRIME NO.16 OF 2016

2 ABUBACKER

... 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 C.C No. 1199 of 2021 pending on the file of the Learned Judicial Magistrate No.III, Tiruchirappalli.

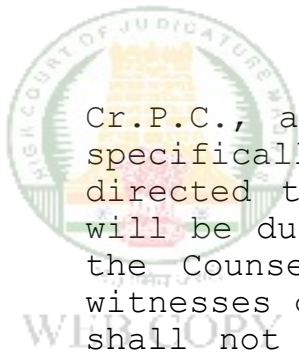
Prayer in CRL OP(MD). 1494/ 2023 :

To call for the records relating to the criminal case records / proceedings in C.C No. 1199 of 2021 pending on the file of the learned Judicial Magistrate No.III, Tiruchirappalli and quash the same in so far as the petitioner is concerned.

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.DILIP KUMAR.N, 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 appear at the Court of initial questioning, proceedings under Section 313 of



Cr.P.C., and at the time of passing judgment and on 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/-

30/01/2023

/ TRUE COPY /

/02/2023

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

lr

TO

1 THE JUDICIAL MAGISTRATE NO.III, TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE, MANNACHANALLUR POLICE STATION,  
THIRUCHIRAPPALLI DISTRICT.

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

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-1509[I] dated 31/01/2023 )

ORDER

IN

CRL MP(MD) No.1293 of 2023

IN

CRL OP(MD) No.1494 of 2023

Date :30/01/2023

RS/MMS/SAR.3(03.02.2023) 2P-6C