



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.1397 of 2023
IN
CRL OP(MD) No.1607 of 2023

M.PONSELVAN

... PETITIONER/SOLE ACCUSED

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
NAZERTH POLICE STATION,
THOOTHUKUDI DISTRICT.

...1st RESPONDENT/COMPLAINANT

2 MURUGAN

... 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 STC.No.332 of 2022 dated 22.07.2022 on the file of the Learned Judicial Magistrate, Sathankulam, Thoothukudi District pending disposal of the above criminal original petition.

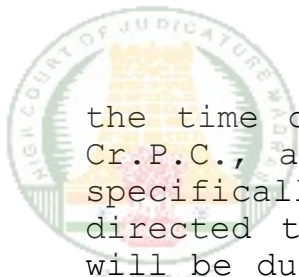
Prayer in CRL OP(MD). 1607/ 2023 :

To call for the records in connection with the impugned charge sheet in STC No.332 of 2022 dated 22.07.2022 on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District and quash the same.

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.SELVANAYAGAM.D, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Criminal Side) on behalf of the 1st 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 dispensed with, on conditions that he shall appear at



the time of initial questioning, proceedings under Section 167 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/-

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

ORDER
IN
CRL MP(MD) No.1397 of 2023
IN
CRL OP(MD) No.1607 of 2023
Date :30/01/2023

PKP/MMS/SAR-4/04.02.2023/2P/5C