



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

Wednesday, the First day of February Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1608 of 2023

IN

CRL OP(MD) No.1797 of 2023

SELVAM

... PETITIONER/PETITIONER

Vs

1 State Rep.by
THE DEPUTY SUPERINTENDENT OF POLICE,
OOMACHIKULAM SUB DIVISION,
MADURAI DISTRICT

2 State Rep.by
THE INSPECTOR OF POLICE
APPANTHIRUPATHI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.6 OF 2021)

3 NIRAIMATHI

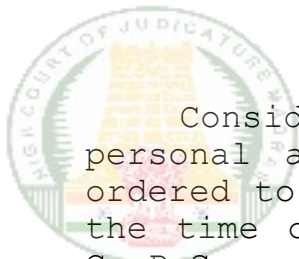
... RESPONDENTS/RESPONDENTS

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 petitioners in Spl.SC.No.71 of 2022 on the file of the learned IIIrd Additional District Court (PCR), Madurai, Madurai District pending disposal of the above said main quash petition.

Prayer in CRL OP(MD). 1797/ 2023 :

To call for the records relating to the proceedings in Spl.SC.No.71 of 2022 on the file of Learned IIIrd Additional District Court (PCR), Madurai, Madurai District and quash the same as against the petitioners.

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.SURIYA NARAYANAN.R, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecuto on behalf of the Respondent Nos.1 & 2, 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 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 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/-

01/02/2023

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/02/2023

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

das

TO

- 1 THE III ADDITIONAL DISTRICT COURT (PCR), MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
OOMACHIKULAM SUB DIVISION, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE, APPANTHIRUPATHI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.1608 of 2023

IN

CRL OP(MD) No.1797 of 2023

Date :01/02/2023

RS/CG/SAR.1(09.02.2023) 2P-5C