



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2216 of 2023
in
CRL OP(MD) No.2487 of 2023

ELANGO VAN

... PETITIONER/ACCUSED NO.6

Vs

1 THE INSPECTOR OF POLICE,
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.8 OF 2021.

...1ST RESPONDENT/COMPLAINANT

2 RAMASUBRAMANIAN

...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 Charge Sheet in CC.No.301 of 2022 pending on the file of Judicial Magistrate Court,Rajapalayam pending disposal of the Criminal Original Petition.

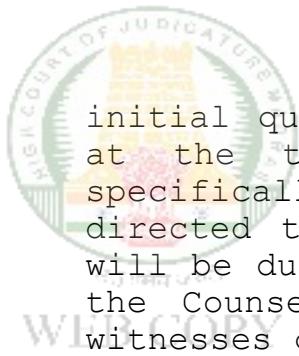
PRAYER IN CRL OP(MD) No.2487 of 2023:-

To call for the records relating to the Charge Sheet in CC.No.301 of 2022 pending on the file of Judicial Magistrate Court,Rajapalayam and quash the same as illegal in so 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.KARTHIKEYAN J, Advocate for the petitioner and M/S.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent No.1, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. Considering the facts and circumstances, 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 all 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/-

10/02/2023

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/02/2023

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

CSM

TO

- 1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.2216 of 2023

IN

CRL OP(MD) No.2487 of 2023

Date :10/02/2023

NA/BUC/SAR-2/23.02.2023/2P/5C

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