



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

Thursday, the Second day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P(MD)No.1660 of 2023
in
Crl.O.P.(MD)No.1879 of 2023

MOHAMED SHAREF

... PETITIONER/SOLE ACCUSED

Vs

1 THE STATE REP.BY,
THE INSPECTOR OF POLICE
VADACHERI POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO.2493/2011.

...1ST RESPONDENT/COMPLAINANT

2 P.SIVAKUMAR
DISTRICT SPORTS OFFICER,
ARIGAR ANNA SPORT STADIUM,
NAGERCOIL,
KANYAKUMARI DISTRICT.

... 2ND RESPONDENT/
DEFACTO COMPLAINANT

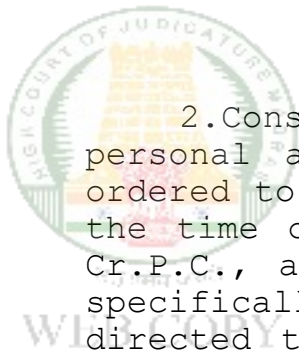
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioner relating to the charge sheet in SC no.253/2022 on the file of Principal District Court, Kanyakumari at Nagercoil.

Prayer in CRL OP(MD). 1879/ 2023 :

To call for the records and quash the proceeding Charge sheet in SC no.253/2022 file of Principal District Court, Kanyakumari at Nagercoil in so far as the Petitioner is concern.

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.MAHESWARAN R, Advocate for the petitioner and of 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 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 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/-
02/02/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

lr

TO

1.THE PRINCIPAL DISTRICT COURT, KANYAKUMARI AT NAGERCOIL

2.THE INSPECTOR OF POLICE
VADACHERI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-1750[I] dated 03/02/2023)

ORDER
IN
CrI.M.P(MD)No.1660 of 2023
in
CrI.O.P.(MD)No.1879 of 2023
Date :02/02/2023

RK/VR/SAR-1 (10/02/2023) 2P/5C