



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.1754 of 2023

IN

CRL OP(MD) No.2010 of 2023

1 PALANESAN @ PALANI

2 RAJASUNDARAVELAVAN @ VELAVAN

... PETITIONERS/PETITIONERS

Vs

1 State Rep.by

THE INSPECTOR OF POLICE

THIRUCHENDUR POLICE STATION,

THOOTHUKUDI DISTRICT.

(CRIME NO.498/2015)

2 S.T.ATHITHAN

... 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 CC No.325/2016 on the file of the Learned Judicial Magistrate, Thiruchendur, Thoothukudi District pending disposal of the main Criminal Original Petition.

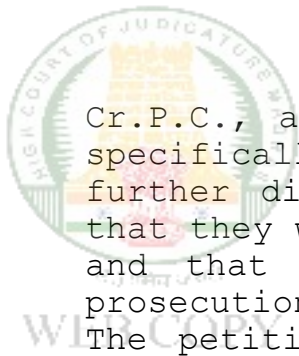
Prayer in CRL OP(MD). 2010/ 2023 :

To call for the records and quash the proceedings in CC No.325/2016 on the file of the Learned Judicial Magistrate, Tiruchendur, Thoothukudi District as against the petitioners herein.

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.ILAYARAJA R, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Crl.Side) on behalf of the 1st Respondent, the court made the following order:-

Heard the learned Counsel appearing for the petitioners 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 petitioners before the trial Court is ordered to be dispensed with, on conditions that they 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 :
specifically directed by the trial court. The petitioners are
further directed to give an undertaking in the form of affidavit
that they will be duly represented by a counsel on all hearing dates
and that the Counsel representing them will cross examine the
prosecution witnesses on the same day they are examined in chief.
The petitioners shall not dispute the identity of the witnesses.
The petitioners shall appear before the Court in the event their
presence is insisted by the trial judge for the purpose of
identification. If the petitioners adopt any dilatorial tactics, it
is open to the Trial Court to insist for their appearance and deal
with the petitioners 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/-

03/02/2023

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/02/2023

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

lr

TO

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-1800[I] dated 03/02/2023)

ORDER
IN
CRL MP(MD) No.1754 of 2023
IN
CRL OP(MD) No.2010 of 2023
Date :03/02/2023

RS/SAR.3(13.02.2023) 2P-6C