



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 MP(MD) No.1697 of 2023
in
CRL OP(MD) NO.1920 of 2023

1 D.JEBARAJAN

2 JOYLET

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.432/2021).

2 SELVAN DAVID

... 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 connection with the above Charge Sheet in STC No.1032/2022 on the file of the learned Judicial Magistrate, Tenkasi pending disposal of the above quash petition.

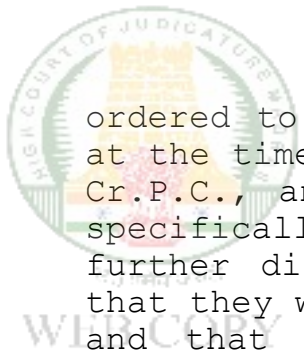
Prayer in CRL OP(MD). 1920/ 2023 :

To call for the records pertaining to the impugned charge sheet in STC No.1032/2022 on the file of the learned Judicial Magistrate, Tenkasi 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.MAHENDRAN P, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

Heard the learned Counsel appearing for the petitioners 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 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 hearings, 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/-
02/02/2023

/ TRUE COPY /

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

LR
TO

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

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-1751[I] dated 03/02/2023)
ORDER
IN
CRL MP(MD) No.1697 of 2023
in
CRL OP(MD)NO.1920 of 2023
Date :02/02/2023

PKP/VR/SAR-1/07.02.2023/2P/6C