



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

Tuesday, the Seventh day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2010 of 2023

IN

CRL OP(MD) No.2271 of 2023

1 C.GOPAL
2 S.THIRUPATHI
3 S.GUNASEKARAN
4 M.SATHASIVAM
5 G.PRABHU

... PETITIONERS/PETITIONERS

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
KANDAVARAYANPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.6 OF 2022

2 ANTHONISAMY

... RESPONDENTS/RESPONDENTS

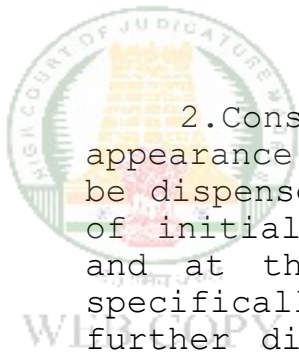
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the petitioners relating to the impugned charge sheet dated 26.02.2022 in S.T.C No. 40 of 2022 pending on the file of the Learned Judicial Magistrate, Thirupathur pending disposal of the above Criminal Original Petition.

Prayer in CRL OP(MD). 2271/ 2023 :

To call for the records relating to the impugned charge sheet dated 26.02.2022 in S.T.C No. 40 of 2022 pending on the file of the Learned Judicial Magistrate, Thirupathur 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.BAALASUNDHARAM.K, Advocate for the petitioners 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 (Criminal Side) appearing for the first



2.Considering the facts and circumstances, the 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 all 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 adopts 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/-

07/02/2023

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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, THIRUPATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, KANDAVARAYANPATTI POLICE STATION,
SIVAGANGAI DISTRICT.4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.2010 of 2023

IN

CRL OP(MD) No.2271 of 2023

Date :07/02/2023

RS/VR/SAR.1(16.02.2023) 2P-5C