



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

Wednesday, the Eighth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2105 of 2023

IN

CRL OP(MD) NO.2329 Of 2023

RAJASEKAR @ RAJASEKARAN

... PETITIONER/PETITIONER

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
SESSIONS COURT POLICE STATION,
TRICHY.
(CRIME NO.527/2021)

... RESPONDENT/RESPONDENT

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 appearance of the petitioner before the trial court in CC No.715/2022 on the file of the Learned Judicial Magistrate No.II, Trichy pending disposal of this Criminal Original petition.

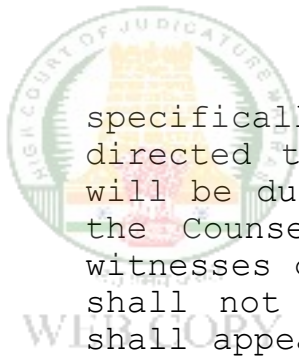
PRAYER IN CRL OP(MD) NO.2329 Of 2023:-

To call for the records in CC No.715/2022 on the file of the Learned Judicial Magistrate, No.II, Trichy and quash the same in respect of the petitioner is concerned.

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.EBENEZER T A, Advocate for the petitioner and of M/S.SIVAKUMAR R, Government Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) 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 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/-
08/02/2023

/ TRUE COPY /

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

GNS

TO

- 1 JUDICIAL MAGISTRATE NO.II,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY
- 3 THE INSPECTOR OF POLICE,
SESSIONS COURT POLICE STATION,
TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.EBENEZER T A Advocate SR.No.2108(I)

ORDER
IN
CRL MP(MD) No.2105 of 2023
IN
CRL MP(MD) No.2329 of 2023
Date :08/02/2023

NA/BUC/SAR-2/20.02.2023/2P/6C

<https://www.mhc.tn.gov.in/judis>