



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

Monday, the Thirteenth day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2269 of 2023
IN
CRL OP(MD) No.2533 of 2023

1 ELANKOVAN

2 INDHIRANI

... PETITIONERS/PETITIONERS

Vs

1 THE SUB INSPECTOR OF POLICE
ILUPPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.147 OF 2020.

2 MAHENDRAN

... 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 STC.No.311 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Illuppur pending disposal of the above Criminal Original Petition.

Prayer in CRL.OP(MD).2533/2023:

Pleased to call for the records pertaining to the charge sheet in STC.No.311 of 2022, on the file of the District Munsif cum Judicial Magistrate Court, Illuppur and quash the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.A.ARUL JENIFER, 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.

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



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/-

13/02/2023

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/02/2023

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

LR

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPPUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
ILUPPUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.2269 of 2023

IN CRL OP(MD) No.2533 of 2023

Date :13/02/2023

SS/SBN/SAR.1/23.02.2023/2P/5C