



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

Thursday, the Sixteenth day of February Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.2814 of 2023
in

Crl.O.P.(MD)No.22861 of 2022

1 VIJAYAKUMAR

2 SENTHIL KUMAR

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI.
(CRIME NO.20/2014)

2 S.MEENACHISUNDARAM

... 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 personal appearance of the petitioners in CC No.4/2018 on the file learned Judicial Magistrate (Special Court for Land Grabbing Cases), Theni before this Honble Court.

Prayer in CRL OP(MD). 22861/ 2022 :

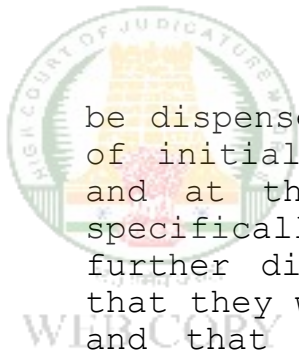
To call for the records of the impugned Charge Sheet in C.C.No. 4 of 2018 on the file learned Special Court for Land Grabbing Cases, Theni and Quash the same as against the petitioners herein.

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.PRABHA S, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Criminal 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 respondent.

2.Considering the facts and circumstances, the personal appearance of the petitioners before the trial Court is ordered to

<https://www.mca.gov.in/cds>



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/-
16/02/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE SPECIAL JUDGE,
FOR LAND GRABBING CASES, THENI.
- 2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P. (MD) No.2814 of 2023
in
Crl.O.P. (MD) No.22861 of 2022
Date :16/02/2023

PKP/VR/SAR-3/28.02.2023/2P/4C