



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 MP (MD) No.2471 of 2023
in
CRL OP (MD) NO.2742 OF 2023

1 RAJ ANAND

2 JEYACHITRA

... PETITIONERS/ PETITIONERS

Vs

1 THE INSPECTOR OF POLICE
D1, THALLAKULAM POLICE STATION, MADURAI CITY,
IN CRIME NO. 961 OF 2013

2 RAJ SRI

... 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 case in C.C No. 223 of 2014 on the file of the learned Judicial Magistrate II, Madurai pending disposal of the above quash petition

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.SUTHAKARAN.I, Advocate for the petitioner and of E.ANTONY SAHAYA PRABAHAR Additional Public Prosecutor on behalf of the 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 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 dilatorious 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

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

TO

1. The Judicial Magistrate II, Madurai
- 2 THE INSPECTOR OF POLICE
D1, THALLAKULAM POLICE STATION, MADURAI CITY,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1CC to M/s.I.Suthakaran, Advocate (SR.No.2450)

ORDER
IN
CRL MP (MD) No.2471 of 2023
in
CRL OP (MD) NO.2742 OF 2023
Date :16/02/2023

MGJ/MMS/SAR 3/06/03/2023/2P/5C