



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

Friday, the Twenty Fourth day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.3078 of 2023

IN

CRL OP(MD) No.3390 of 2023

M.SETHUPATHI

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SAYALKUDI POLICE STATION,
SAYALKUDI,
RAMANATHAPURAM DISTRICT.
CRIME NO. 53/2018

... 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 petitioner pending trial in charge sheet in C.C No. 230 of 2022 on the file of the District Munsif cum Judicial Magistrate, Kadaladi pending disposal of the Criminal Original Petition.

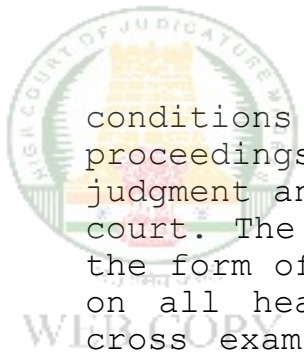
Prayer in CRL OP(MD) . 3390/ 2023 :

To call for the records and quash the charge sheet in C.C No. 230 of 2022 on the file of the District Munsif cum Judicial Magistrate court, Kadaladi.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.VEERAPANDI SELVARAJ.S, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

For producing identity card, the matter has been listed today and the same is produced. The petitioner is undergoing third year L.L.B degree.

2.On that ground, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on



conditions that she shall appear at the time of initial que: j, 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 further directed to give an undertaking in the form of affidavit that she 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 her 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 her 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/-

24/02/2023

/ TRUE COPY /

/03/2023

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

GNS

TO

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

ORDER IN

CRL MP(MD) No.3078 of 2023
IN
CRL OP(MD) No.3390 of 2023
Date :24/02/2023

SA/SBN/SAR.2/06.03.2023/2P/5C