



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.2842 of 2023

in

CRL OP(MD) No.3125 of 2023

1 VASANTHAL

2 AYILU

... Petitioners / Petitioners

Vs

1 STATE REP BY
THE INSPECTOR OF POLICE
C.S.C.I.D.,
PUDUKKOTTAI DISTRICT.
(CRIME NO. 32 OF 2017.)

2 K.PANCHAVARNAM

... Respondents / Respondents

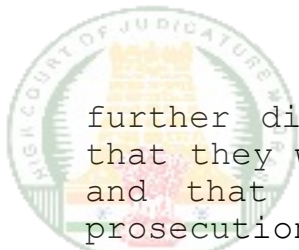
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the Petitioners in CC.No.230 of 2017 on the file of the Judicial Magistrate,Pudukkottai pending disposal of the main Quash Petition.

Prayer in CRL OP(MD). 3125/ 2023 :

To call for records in CC.No.230 of 2017 on the file of the Judicial Magistrate,Pudukkottai and quash the Charge Sheet and the consequential further proceedings as against the Petitioners.

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.LENIN KUMAR.T, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate (Criminal Side) on behalf of the Respondent No.1 the court made the following order:-

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 , it 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/-

28/02/2023

/ TRUE COPY /

/03/2023

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

DAS

TO

1.The Judicial Magistrate No.I,
Pudukottai.

2.Do through the Chief Judicial Magistrate,
Pudukottai District.

3.The Inspector of Police,
C.S.C.I.D.,
Pudukottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S.LENIN KUMAR.T Advocate SR.No.3066

ORDER

IN

CRL MP(MD) No.2842 of 2023
and

CRL OP(MD) No.3125 of 2023
Date :28/02/2023

ED/BUC/SAR-1 (10/03/2023) 2P 6C