



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.3137 of 2023
IN
CRL OP(MD) No.3468 of 2023

1 ESAKKI

2 VENKATESH

3 SUNDARAPANDIAN

... PETITIONER/ACCUSED 1 TO 3

Vs

1 THE SUB INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.216 OF 2016.

... 1st RESPONDENT/COMPLAINANT

2 K.SONAI

... 2nd RESPONDENT/DE-FACTO COMPLAINANT

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.201 of 2018 on the file of the Judicial Magistrate, Tiruchendur pending disposal of the above said Criminal Original Petition.

PRAYER IN CRL.OP(MD) .3468/2023:

Pleased to call for the records pertaining to the impugned Charge Sheet made in CC.No.201 of 2018 on the file of the Judicial Magistrate, Tiruchendur 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 Mr.P.R.PRITHIVIRAJ, 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 (Criminal Side) appearing for the first respondent.

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



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 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/-

23/02/2023

/ TRUE COPY /

/03/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
AUTHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.3137 of 2023
IN
CRL OP(MD) No.3468 of 2023
Date :23/02/2023

SA/SBN/SAR.2/03.03.2023/2P/5C