



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

Friday, the Third day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.3605 of 2023

IN

CRL OP(MD).NO. 4027 OF 2023

1 A.SEKAR ... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP BY

1 THE INSPECTOR OF POLICE

SRIVILLIPUTHUR POLICE STATION, VIRUDHUNAGAR

DISTRICT. CRIME NO.629 OF 2015. ...1ST RESPONDENT/COMPLAINANT

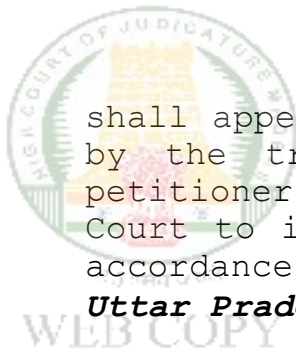
2 S.R.ARJUNA RAJA ...2ND RESPONDENT/DEFACTO COMPLAINANT

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 Petitioner herein on future hearing dates in STC.No.1549 of 2022 on the file of the Learned Judicial Magistrate No.II, Srivilliputhur, Virudhunagar District pending disposal of the main Crl.O.P.

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.R.Ilayaraja, Advocate for the petitioner and of M.R.Sivakumar, Government Advocate on behalf of the Respondents the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. Considering the facts and circumstances, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he 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 petitioner is further directed to give an undertaking in the form of affidavit that he 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 appear before the Court in the event his presence is required 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 his 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/-  
03/03/2023

/ TRUE COPY /

/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
2. The Chief Judicial Magistrate, VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3.THE INSPECTOR OF POLICE  
SRIVILLIPUTHUR POLICE STATION, VIRUDHUNAGAR  
DISTRICT.
4. The Additional Public prosecutor,  
Madurai Bench of Madras High Court,  
Madurai

+1. C.C. to DEEPAK B(ILAYARAJA) Advocate SR.No.3372

CRL MP(MD) No.3605 of 2023

Date :03/03/2023

KB/s3(09.03.2023) 2P 6C