



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.4477 of 2023
in
CRL RC(MD) No.310 of 2023

M.MUTHAIYA

... PETITIONER/7TH ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (ALGSC)
MADURAI DISTRICT.
(IN CRIME NO.42/2018)

... RESPONDENT/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 personnel appearance of the petitioner in CC No.01/2021 on the file of the learned Special Court for Exclusive Trial of Land Grabbing Cases, Madurai pending disposal of the Crl.R.C.

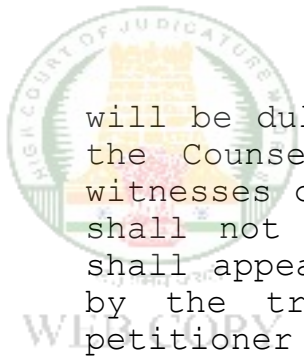
Prayer in CRL RC(MD). 310/ 2023 :

To call for the records and set aside the order passed by the Learned Special Court for Exclusive Trial of Land grabbing Cases, Madurai in Crl MP No.434/2022 in CC No.01/2021 dt.19.01.2023.

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.ABDUL MUTHALIF M.A., Advocate for the petitioner and of MR.S.S.MADHAVAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the 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 ordered to give an undertaking in the form of affidavit that he



will be duly represented by a counsel on all hearing dates at 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 his 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 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/-

17/03/2023

/ TRUE COPY /

/03/2023

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

CSM

TO

1 THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF LAND GRABBING CASES,
MADURAI.

2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH (ALGSC),
MADURAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.4477 of 2023
in

CRL RC(MD) No.310 of 2023

Date :17/03/2023

RS/MMS/SAR-2 (27.03.2023) 2P 4C