



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

Tuesday, the Eleventh day of April Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.5161 of 2023
in
CRL OP(MD) No.5912 of 2023

K.RAJA MOHAMMED

... PETITIONER/ACCUSED No.4

Vs

1 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
TIRUNEVELI DETACHMENT,
CRIME NO. 7/2016

... RESPONDENT/COMPLAINANT

2 M.SYED ABIL

... 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 before the trial court in Special Case No. 9 of 2022 on the file of the Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli District

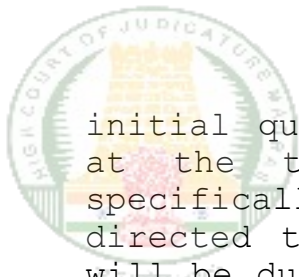
Prayer in CRL OP(MD). 5912/ 2023 :

To call for the entire records pertaining to the case in Special Case No. 9 of 2022 on the file of the Special Judge, Special Court for Trial of Cases under the Prevention of Corruption Act, Tirunelveli and quash the same as against the petitioner

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.ANAND R, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public prosecutor on behalf of the 1st Respondent, the Court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor 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 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/-

11/04/2023

/ TRUE COPY /

/04/2023

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

TO

- 1 THE SPECIAL JUDGE,
SPECIAL COURT FOR TRIAL OF CASES UNDER
THE PREVENTION OF CORRUPTION ACT, TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
VIGILANCE AND ANTI CORRUPTION,
TIRUNELVELI DETACHMENT,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.5161 of 2023
in

CRL OP (MD) No.5912 of 2023

Date :11/04/2023

SS/VR/SAR /17/04/2023/2P/4C