



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Thursday, the Fifth day of January Two Thousand and Twenty Three

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PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

Crl.M.P.(MD)No.11641 of 2022

in

Crl.O.P.(MD)No.17224 of 2022

1 SENTHIL KUMAR  
2 KUPPUSAMY  
3 VELUSAMY

... PETITIONERS / PETITIONERS

Vs

1 THE STATE REP.BY  
THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH (ALGSC),  
DINDIGUL DISTRICT.

2 KRISHNAN @ RAMAKRISHNAN

... RESPONDENTS / RESPONDENTS

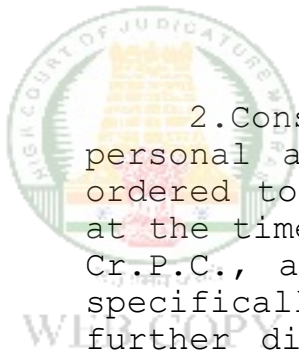
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioners in C.C No. 38 of 2019 on the file of the Special Judicial Magistrate (Special Court for Exclusive Trial of Land Grabbing Cases) Madurai pending disposal of the above criminal original petition.

Prayer in CRL OP(MD). 17224/ 2022 :

To call for the records relating to C.C No. 38 of 2019 on the file of the Special Judicial magistrate (Special Court for Exclusive Trial of Land Grabbing Cases), Madurai in so far as the petitioner concerned and quash the same 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.VENKATESH.D, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate on behalf of the 1<sup>st</sup> Respondent, the court made the following order:-

Heard the learned Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent.



2.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 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 adopt any dilatorious 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/-

05/01/2023

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/01/2023

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

TO

- 1 THE SPECIAL JUDICIAL MAGISTRATE,  
(SPECIAL COURT FOR EXCLUSIVE TRIAL OF LAND GRABBING CASES)  
MADURAI.
- 2 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH (ALGSC),  
DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

Crl.M.P.(MD)No.11641 of 2022  
in Crl.O.P.(MD)No.17224 of 2022  
Date :05/01/2023

LR

MK/VR/SAR IV(12.01.2023) 2P 4C