



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Fourth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.58 of 2023

IN

CRL OP(MD) No.56 of 2023

K.PRADEEP MENON

... PETITIONER/ SOLE ACCUSED

Vs

1 THE STATE REP.BY
THE INSPECTOR OF POLICE
KADALKUDI POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.26/2022

... RESPONDENT / COMPLAINANT

2 NUJIRA BEEVI

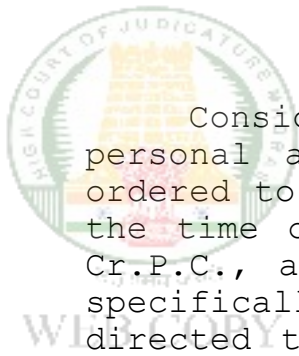
... RESPONDENT / DEFACTO COMPLAINANT

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/sole accused the case in impugned Charge sheet in CC No.396/2022 on the file of the Judicial Magistrate, Vilathikulam, Thoothukudi District in Crime No.26/2022 dt.5/8/2022 for the offences U/s.294(b),353, 506(2) of IPC and Section 4 of TNPWH ACT, 2002 on the file of the Respondent No.1 pending disposal of the instant Criminal Original Petition.

Prayer in CRL OP(MD). 56/ 2023 :

To call for the records pertaining to the impugned charge sheet in C.C.No.396/2022 on the file of the Judicial Magistrate Vilathikulam Thoothukudi District in Cr.No.26/2022 dt 05.08.2022 for the offences U/s.294(b),353,506(2) of IPC and Section 4 of TNPWH ACT, 2002 on the file of the Respondent No.1 till the disposal of the instant Criminal Original Petition.

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.PINAYGASH I, Advocate for the petitioner and of Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor for the 1st Respondent, the court made the following order:-



Considering the facts and circumstances of the case, 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 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 dilatorious 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/-

04/01/2023

/ TRUE COPY /

/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, THOOTHUKUDI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADALKUDI POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.58 of 2023

IN

CRL OP(MD) No.56 of 2023

Date :04/01/2023

das

MK/BUC/SAR I(11.01.2023) 2P 5C