



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

Friday, the Twentieth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.260 of 2023

IN

CRL OP(MD)No. 336 of 2023

K.PALMURUGAN

... PETITIONER/PETITIONER

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
KARIVALAMVANTHANALLUR POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.135 OF 2014)

2 JEEVARAJ

... 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 petitioner in S.C.No.228 of 2022 on the file of Assistant Sessions Judge(Sub Court),Sankarankovil pending disposal of quash petition.

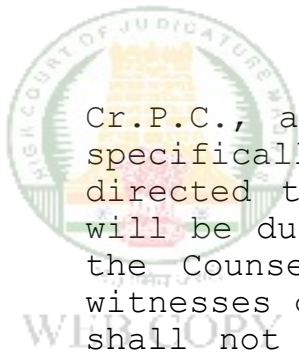
Prayer in CRL OP(MD). 336/ 2023 :

To call for the records relating to the charge sheet in S.C.No.228 of 2022 on the file of the Assistant Sessions Judge(Sub Court),Sankarankovil quash the same as against the petitioner/Accused no.5 is are concerned.

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.BASKAR D, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Criminal Side)on behalf of the Respondents the court made the following order:-

Heard the learned Counsel appearing for the petitioner 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 petitioner before the trial Court is ordered to be dispensed with, on conditions that he shall appear at the trial Court for initial questioning, proceedings under Section 313 of



Cr.P.C., and at the time of passing judgment and on the :³, 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/-

20/01/2023

/ TRUE COPY /

/02/2023

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

LR

TO

- 1 THE ASSISTANT SESSIONS JUDGE
SUBORDINATE COURT, SANKARANKOVIL.
- 2 THE INSPECTOR OF POLICE
KARIVALAMVANTHANALLUR POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.260 of 2023

IN

CRL OP(MD)No. 336 of 2023

Date :20/01/2023

PKP/BUC/SAR-2/01.02.2023/2P/4C