



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

Monday, the Second day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.16345 of 2022
in
CRL OP(MD)No. 23049 of 2022

1 RAMAR

2 MUTHU

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP BY,
THE SUB INSPECTOR OF POLICE
RAJATHANI POLICE STATION,
THENI DISTRICT.

2 KANIARASAN

... 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 CC.No.289 of 2022 on the file of the Judicial Magistrate, Aundipatti pending disposal of the above Criminal Original Petition.

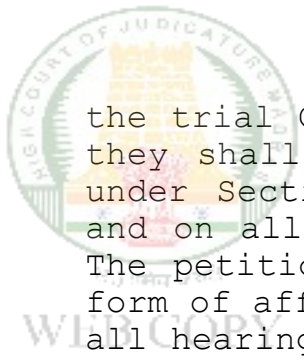
Prayer in CRL OP(MD). 23049/ 2022 :

To call for the records relating to impugned final report in CC.No.289 of 2022 on the file of the Judicial Magistrate, Aundipatti and quash the same as illegal.

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. JERIN MATHEW.M, Advocate for the petitioner and of MR.S.S.MADHAVAN, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the first respondent.

2. Considering the facts and circumstances, the petitioners are directed to appear before the trial Court on the first hearing date and thereafter, the personal appearance of the petitioners before



the trial Court is ordered to be dispensed with, on condition 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 all 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 adopts any dilatorial 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/-
02/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

- 1 THE JUDICIAL MAGISTRATE,
AUNDIPATTI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
RAJATHANI POLICE STATION,
THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.16345 of 2022
in
CRL OP(MD) No. 23049 of 2022
Date :02/01/2023

PKP/BUC/SAR-3/06.01.2023/2P/5C

<https://www.mhc.tn.gov.in/judis>