



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.132 of 2023
IN
CRL OP(MD) No.167 of 2023

SELVENDRAN

... PETITIONER/PETITIONER

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KULITHALAI,
KARUR DISTRICT.
CRIME NO.52/2020.

2 VIJAYARAGAVAN

... 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 from the personal appearance of the petitioner in CC No.29/2022 on the file of the Judicial Magistrate No.II, Kulithalai pending disposal of the above this petition.

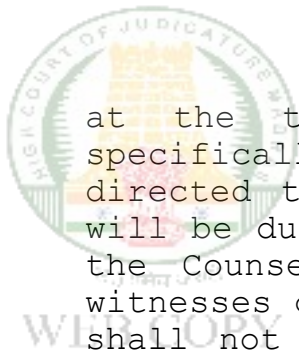
Prayer in CRL OP(MD). 167/ 2023 :

To call for the records pertaining to the Complaint in CC No.29/2022 on the file of the Judicial Magistrate No.II, Kulithalai and Quash the same as illegal 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.ARUNRAJ K, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate on behalf of the 1st Respondent, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) 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 cross-examination, proceedings under Section 313 of Cr.P.C., and



at the time of passing judgment and on all the , 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/-

05/01/2023

/ TRUE COPY /

/01/2023

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

CSM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KULITHALAI, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.ARUNRAJ K, Advocate (SR-251[I] dated 06/01/2023)

ORDER

IN

CRL MP(MD) No.132 of 2023

IN

CRL OP(MD) No.167 of 2023

Date :05/01/2023