



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

Tuesday, the Third day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.16455 of 2022
and
Crl.O.P.(MD)No.23179 of 2022

1 THANGAPANDI

2 MUNIESWARI

... PETITIONERS/ACCUSED NO.1&2

Vs

1 THE INSPECTOR OF POLICE
AUSTINPATTY POLICE STATION,
MADURAI DISTRICT
(CRIME NO. 103 OF 2018)

2 CHELLAPANDI

... RESPONDENTS/RESPONDENTS

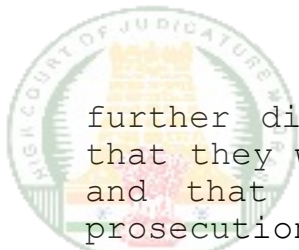
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the petitioner C.C.No. 668 of 2022 on the learned Judicial Magistrate, Thirumangalam, Madurai District and pending disposal of the above quash petition.

Prayer in CRL OP(MD). 23179/ 2022 :

To call for the records relating to the proceedings of C.C.No. 668 of 2022 on the learned Judicial Magistrate, Thirumangalam, Madurai District and Quash the same.

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.MALAI RAJA.J, Advocate for M/S. SPICY LAW FIRM, for the petitioner and of M/S.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent No.1, the court made the following order:-

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 , it 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 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/-

03/01/2023

/ TRUE COPY /

/01/2023

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

DAS

TO

1.THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE
AUSTINPATTY POLICE STATION,
MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SPICY LAW FIRM, Advocate (SR-78[I] dated 03/01/2023)

ORDER

IN

Crl.M.P. (MD)No.16455 of 2022
and

Crl.OP. (MD)No.23179 of 2022
Date :03/01/2023

RK/SSS/SAR-2 (06/01/2023) 3P/6C