



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.M.P.(MD)No.16375 of 2022
in
Crl.O.P.(MD)No.23089 of 2022

1 PR.CHELLAM

2 CHELLIAH

... PETITIONERS/ACCUSED NO.1&2

Vs

A.AZHAGAPPAN

... RESPONDENT/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 in C.C.No. 1470 of 2022 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai and pending disposal of the above quash petition.

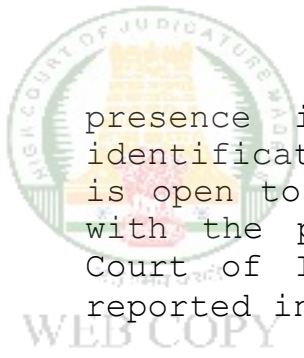
PRAYER IN Crl.O.P.(MD)No.23089 of 2022:

To call for the records relating to the impugned complaint in C.C.No. 1470 of 2022 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai 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. SHANMUGANATHAN.VR, Advocate for the petitioner, the court made the following order:-

Heard the learned counsel appearing for the petitioners.

2. Considering the facts and circumstances, 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 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, KARAIKUDI, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

ORDER

IN

Crl.M.P. (MD) No.16375 of 2022
in

Crl.O.P. (MD) No.23089 of 2022

Date :02/01/2023

RK/BUC/SAR-1 (06/01/2023) 2P/3C