



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.103 of 2023
in
CRL OP(MD)No.149 OF 2023

D.SUDALAIMANI

... PETITIONER/ SOLE ACCUSED

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
VIRUDHUNAGAR RAILWAY POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.06 OF 2022)

...RESPONDENT/COMPLAINANT

2 R.HONEST

... RESPONDENT/ DEFACTO COMPLAINANT

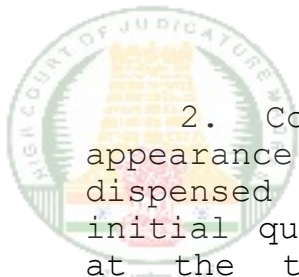
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the petitioner/sole accused the case in Impugned Charge Sheet in S.T.C.No.826 of 2022 pending before the Judicial Magistrate No.I, Virudhunagar District in Crime No.06 of 2022 dated 18.03.2022 on the file of the respondent no.1 for the offences U/ss 294(b), 323, 506(i) of IPC pending disposal of the instant Criminal Original petition.

PRAYER IN CRL OP(MD)No.149 OF 2023:

To call for the records pertaining to the impugned charge sheet in S.T.C.No.826 of 2022 pending before the Judicial Magistrate No.1, Virudhunagar District in Crime No.06 of 2022 dated 18.03.2022 on the file of the respondent no.1 for the offences U/ss 294(b), 323, 506 (i) of IPC and quash the same as illegal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.I.PINAYGASH, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Criminal Side) 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 appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he 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 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 dilatorious 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.I
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUANGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
VIRUDHUNAGAR RAILWAY POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.103 of 2023
in
CRL OP (MD) No.149 OF 2023
Date :05/01/2023

PKP/VR/SAR-2/09.01.2023/2P/5C

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