



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 MP(MD) No.16434 of 2022
AND CRL OP(MD).23162 OF 2022

SYED AMBIYA

... PETITIONER/PETITIONER

Vs

1. THE STATE REP BY
THE INSPECTOR OF POLICE
ACHANPUDUR POLICE STATION, TIRUNELVELI
DISTRICT. CRIME NO.108 OF 2019.

2 SURESH

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with personal appearance of the Petitioner in connection with CC.No.48 of 2021 on the file of the Learned Judicial Magistrate,Shenkottai and pass such further or other orders as this Honble Court.

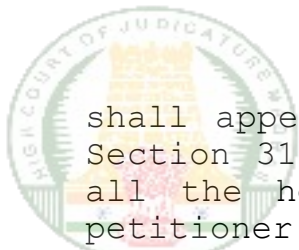
Prayer in CRL OP(MD). 23162/ 2022 :

To call for the records relating to the Criminal Case in CC.No.48 of 2021 on the file of the Learned Judicial Magistrate,Shenkottai and quash the same as illegal against the Petitioner and pass such further or other orders as this Honble Court.

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 SYEDALI N, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor for 1st Respondent the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

2. Considering the facts and circumstances, the petitioner is directed to appear before the trial Court on the first hearing date and thereafter, the personal appearance of the petitioner before the 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 he is 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/-
03/01/2023

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
SHENKOTTAI.

2 THE INSPECTOR OF POLICE
ACHANPUDUR POLICE STATION, TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.16434 of 2022
AND CRL OP(MD).23162 OF 2022
Date :03/01/2023

TR/BUC/SAR 2/09.01.2023/2P/4C