



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.16433 of 2022
and

CRL OP(MD)No.23161 of 2022

SURIYA KUMAR

... PETITIONER/3rd ACCUSED

Vs

1 THE INSPECTOR OF POLICE
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.480/2020)

...1st RESPONDENT/COMPLAINANT

2 NAGARAJAN

... 2nd RESPONDENT/DEFACTO COMPLAINANT

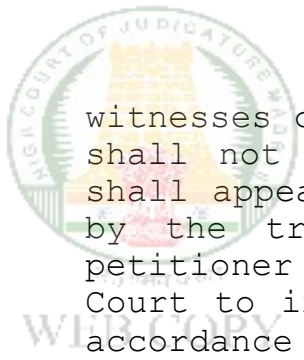
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order of dispense with, for dispensing with the personal appearance of the petitioner in the impugned criminal proceedings in CC No.119/2021 on the file of the learned Judicial Magistrate, Mudukulathur.

Prayer in CRL OP(MD). 23161/ 2022 :

To call for the entire records in relating to impugned Charge sheet in CC No.119/2021 on the file of the learned Judicial Magistrate, Mudukulathur and to quash the same in so far as the petitioner is concerned.

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.JEYAKARTHIK M S, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

Considering the facts and circumstances of the case, 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 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 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 her 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/-
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,
MUDUKULATHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
MUDUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.16433 of 2022
and
CRL OP (MD) No.23161 of 2022
Date :03/01/2023

das
PKP/MMS/SAR-3/05.01.2023/2P/5C