



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

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

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.428 of 2023
in CRL OP(MD).489 of 2023

BOWSIYA @ PAHUSIA

... PETITIONER/PETITIONER

Vs

1. THE STATE REP BY
THE SUB INSPECTOR OF POLICE
THIRUPPATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.41/2022

2 ABDUL MAJITH

... RESPONDENTS/RESPONDENTS

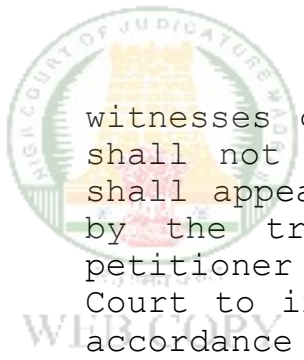
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioner in S.T.C.No.275 of 2022 on the file of the learned Judicial Magistrate Court, Thiruppathur till the disposal of the criminal original petition and thus render justice.

Prayer in CRL OP(MD). 489/ 2023 :

To call for the entire records pertaining to the charge sheet filed in S.T.C.No.275 of 2022 on the file of the learned Judicial Magistrate Court, Thiruppathur as against the petitioner and quash the same as illegal.

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. AJMAL KHAN.S.A, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABHAKAR, Additional Public Prosecutor for 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



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/-

10/01/2023

/ TRUE COPY /

/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI.

3 THE SUB INSPECTOR OF POLICE
THIRUPPATHUR POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.428 of 2023

Date :10/01/2023

TR/MMS/SAR-IV(19.01.2023) 2P 5C