



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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.429 of 2023
IN
CRL OP(MD) No.487 of 2023

SYED ABDUL BUHARI @ BUKHARI
REPRESENTED THROUGH HIS GUARDIAN
A.BASHIR MOHAMED

... PETITIONER/PETITIONER

Vs

1 State Rep.by
THE SUB INSPECTOR OF POLICE
THIRUPAPTHUR POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.41/2022.

2 ABDUL MAJITH

... RESPONDENTS/RESPONDENTS

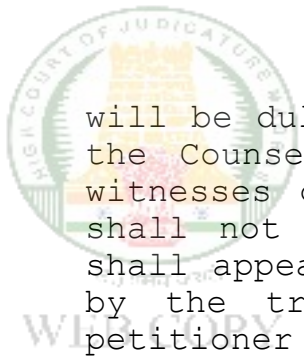
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to dispense with the personal appearance of the petitioner in JC.No.84/2022 on the file of the Court of Juvenile Justice Board, Sivagangai till the disposal of the Criminal Original Petition.

Prayer in CRL OP(MD). 487/ 2023 :

To call for the entire records pertaining to the charge sheet filed in JC No.84/2022 on the file of the Court of Juvenile Justice Board, Sivagangai 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 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 ordered to give an undertaking in the form of affidavit that he



will be duly represented by a counsel on all hearing dates at the Counsel representing them 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/-

10/01/2023

/ TRUE COPY /

/01/2023

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

das

TO

- 1 THE PRESIDING OFFICER, COURT OF JUVENILE JUSTICE BOARD,
SIVAGANGAI DISTRICT.
- 2 THE SUB INSPECTOR OF POLICE, THIRUPPATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.429 of 2023

IN

CRL OP(MD) No.487 of 2023

Date :10/01/2023

RS/VR/SAR.2(23.01.2023) 2P-4C