



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.16471 of 2022
in CRL OP.23193 OF 2022

1 C.RAJA

2 MALARVIZHI

... PETITIONERS/PETITIONERS

Vs

1. THE STATE REP BY
THE SUB INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL
(CRIME NO. 886 OF 2009)

2 AMUTHA
MALAR - II, WOMEN SELF HELP GROUP, GURU
NAGAR, DINDIGUL.

... RESPONDENTS/RESPONDENTS

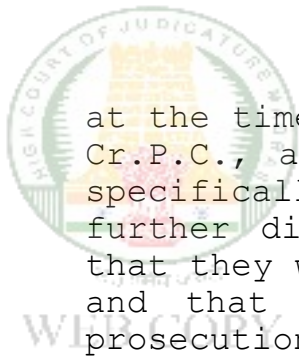
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Dispense with the personal appearance of the petitioner in C.C.No. 245 of 2010 on the file of the learned JM No. III, Dindigul and pending disposal of the above quash petition.

Prayer in CRL OP(MD). 23193/ 2022 :

To call for records in C.C.No. 245 of 2010 on the file of the learned JM No. III, Dindigul and Quash the charge sheet and consequential all further proceedings as against the petitioners and pass such other suitable orders.

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

Considering the facts and circumstances of the case, the personal appearance of the petitioners before the trial Court is dispensed with, on conditions that they shall appear



at the time of initial questioning, proceedings under Section 167 of Cr.P.C., and at the time of passing judgment and on the hearings, specifically directed by the trial court. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 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.

TO

1. THE THE JUDICIAL MAGISTRATE NO. III, DINDIGUL
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE SUB INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SHANMUGARAJA SETHUPATHI D , Advocate (SR-70[I] dated 03/01/2023)

ORDER
IN
CRL MP(MD) No.16471 of 2022
in CRL OP.23193 OF 2022
Date :03/01/2023

TR/BUC/SAR IV/09.01.2023/2P/6C

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