



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

Wednesday, the Eleventh day of January Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.16485 of 2022
IN
CRL OP(MD) No.23202 of 2022

1 CHINNATHAMBI

2 SUGANYA

3 ARUMUGAM

... PETITIONERS/PETITIONERS

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPATHUR,
SIVAGANGAI DISTRICT.
(IN CR NO.10/2021).

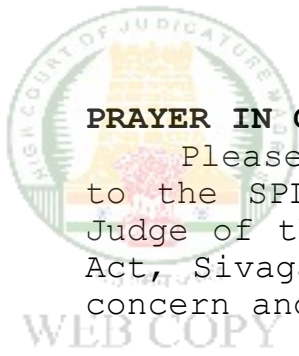
2 KAYALVIZHI

... RESPONDENTS/RESPONDENTS

(*) 3 DHAVAMANI
D/O.ALAGU,
GANAPATHYPATTY, NAGAMANGALAM VIA,
SINGAMPUNARI TALUK,
SIVAGANGAI DISTRICT.

(*) R3 IS IMPEADED AS PER ORDER
OF THE COURT DATED 11/01/2023 IN
CRL.MP(MD).671/2023 IN CRL.OP(MD).
23202/2022.

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 Spl SC No.19/2022 on the file of the Honble Sessions Judge of the Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai, Sivagangai District.

**PRAYER IN CRL.OP(MD) .23202/2022:**

Pleaded to pass an orders and call for the records pertaining to the SPL SC No.19 of 2022 on the file of the Hon'ble Sessions Judge of the Special Court for Exclusive Trail of Cases under POCSO Act, Sivagangai, Sivagangai District and quash for the petitioner's concern and the same is illegal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.NA.PALANIYANDI, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate(crl.side) on behalf of the 1st Respondent, the court made the following order:-

Heard the learned Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent.

2.Considering the facts and circumstances of the case, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with, on conditions that they 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 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 dilatorical 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/-

11/01/2023

/ TRUE COPY /

/02/2023

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

LR
TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRAIL OF CASES
UNDER POCSO ACT, SIVAGANGAI,
SIVAGANGAI DISTRICT.



2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUPPATHUR,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL MP (MD) No.16485 of 2022
IN

CRL OP (MD) No.23202 of 2022

Date :11/01/2023

SA/SSS/SAR.2/02.02.2023/3P/4C