



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

Thursday, the Fifth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.59 of 2023
IN
CRL OP(MD) No.58 of 2023

S.PREMA

... PETITIONER/PETITIONER/
ACCUSED NO.5

Vs

1. THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VALLIYOOR,
TIRUNELVELI DISTRICT.
CRIME NO.11/2019.

... 1st RESPONDENT/1st RESPONDENT/
COMPLAINANT

2. SUBASRI

... 2nd RESPONDENT/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 Dispense with the Personal Appearance of the Petitioner in CC No.336/2021 on the file of the Learned Judicial Magistrate Court, Valliyoor, Tirunelveli District, pending disposal of above Criminal Original Petition.

Prayer in CRL OP(MD) . 58/2023 :

To call for the records relating to the CC No.336/2021 on the file of the Learned Judicial Magistrate Court, Valliyoor, Tirunelveli District and Quash the same as illegal in so far as petitioner 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. ARAVINTHAN.G, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate on behalf of the 1st Respondent, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.



2. Considering the facts and circumstances, 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 all 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 him 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/-
05/01/2023

/ TRUE COPY /

/01/2023

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

CSM

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VALLIYOOR,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.59 of 2023 IN
CRL OP(MD) No.58 of 2023
Date :05/01/2023

USK/VR/SAR-II/11.01.2023/2P/5C

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