



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

Wednesday, the First day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.925 of 2023

IN

CRL OP(MD) No.1005 of 2023

MANOJ PREM CHOUDHARY

... PETITIONER/PETITIONER
/ACCUSED NO.10/ ACCUSED NO.10

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE,
CBCID SOUTH,
VIRUDHUNAGAR
(IN CRIME NO. 1 of 2015)

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

2 MURUGAN

...2nd RESPONDENT/2nd DEFACTO COMPLAINANT
/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 personal appearance of the petitioner before the Trial Court of the impugned charge sheet in CC.No.5 of 2019 on the file of the learned Special Court under TNPID (IN FES) Act, Madurai in Crime No.1 of 2015 pending on the file of the Special Court under TNPID Act, Madurai pending disposal of the above quash petition.

Prayer in CRL OP(MD). 1005/ 2023 :

To call for the records pertaining to the proceedings of the case pending trial in CC.No.5 of 2019 on the file of the learned Special Court under TNPID Act, Madurai in Crime No.1 of 2015 pending on the file of the Special Court under TNPID Act, Madurai and quash the same as against the petitioner.

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.S.R.RAJAGOPAL, Senior Counsel for MR.LAWRENCE J, Advocate for the petitioner and of MR.R.SIVAKUMAR, Government Advocate (Criminal Side) 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/-

01/02/2023

/ TRUE COPY /

/02/2023

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

CSM
TO

- 1 THE SPEICAL JUDGE
UNDER TNPID ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE
CBCID SOUTH, VIRUDHUNAGAR
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.LAWRENCE J Advocate SR.No.1736(I)

ORDER

IN

CRL MP(MD) No.925 of 2023

IN

CRL OP(MD) No.1005 of 2023

Date :01/02/2023

PKP/CG/SAR-1/09.02.2023/2P/5C

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