



Crl.O.P.No.32664 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.32664 of 2022

and

Crl.M.P.Nos.20160 & 20161 of 2022

V.Madeswaran

... Petitioner

Vs.

1. State Represented by
Inspector of Police
Thalaivasal Police Station,
Salem – 636 101.

2. Krishnamoorthy

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in P.R.C.No.30 of 2022 on the file of FTC-II Additional District Sessions at Salem and quash the same.

For Petitioner : Mr.D.Manimaran
for M/s.P. Manish
For Respondent : Mr. S.Santhosh
Govt. Advocate (Crl. Side)



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ORDER

The Criminal Original Petition has been filed to call for the records in P.R.C.No.30 of 2022 on the file of FTC-II Additional District Sessions at Salem and quash the same.

2. When the matter is taken up for hearing, the learned Government Advocate would submit that, the case been committed and pending trial in S.C.No.237 of 2022 on the file of Sessions Judge, Mahila Court, Salem and now the case is posted on 20.11.2024 for framing of charges.

3. At this juncture, the learned counsel for the petitioner would submit that, petitioner has met with serious road accident and suffered multiple fracture and would pray that the personal appearance of the petitioner before the trial Court, may be dispensed with.

4. Accepting the said submission, this Court is of the view that the presence of the petitioner before the Trial Court shall be dispensed with on condition that he shall be present on the date fixed for framing charges, questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the Trial Court for the purpose of identification.



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5. The petitioner is further directed to give an undertaking in the form of an affidavit that he will be duly represented by a counsel on all hearing dates, and he will be present before the trial Court on the date fixed for framing of charges and the Counsel representing him will coordinate for speedy disposal of the trial. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event of 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**.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petition in Crl.M.P.No.20160 of 2022 stands closed and Crl.M.P.No.20161 of 2022 stands ordered.

19.11.2024

Index :Yes/No

Internet:Yes/No

Sma

Note : Issue Order Copy on 28.11.2024



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A.D.JAGADISH CHANDIRA,J.

Sma

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