



CRL MP(MD) No.13428 of 2024

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

Wednesday, the Eleventh day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.13428 of 2024

IN

CRL OP(MD) No.21677 of 2024

SANKAR

... PETITIONER/ACCUSED NO.1

Vs

1 THE INSPECTOR OF POLICE,
AMMANAICKANUR POLICE STATION,
NILAKOTTAI.
(CRIME NO. 19/2023)

... 1ST RESPONDENT/COMPLAINANT

2 SATHIESKANNAN

... 2ND RESPONDENT/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 accused in C.C.No.237/2023 pending on the file of the Learned Judicial Magistrate, Nilakkottai, pending disposal of this Crl.O.P.

Prayer in CRL OP(MD). 21677/ 2024 :

To quash the charge sheet in C.C.No.237/2023 pending on the file of the Learned Judicial Magistrate, Nilakkottai, so far as the petitioner is 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 MR.C.CHRISTOPHER, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent, while admitting the Criminal Original Petition, the court made the following order:-



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Considering the facts and circumstances of the case, the personal appearance of the petitioner in C.C.No.237 of 2023, on the file of the Judicial Magistrate Court, Nilakottai, is ordered to be dispensed with, on condition 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 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 learned trial Judge for the purpose of identification. If the petitioner adopts any dilatorily tactics, it is open for the trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of the Hon'ble Supreme Court in the case of State of Uttar Pradesh vs. Shambhu Nath Singh reported in 2001 (4) SCC 667.

sd/-
11/12/2024

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE, NILAKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, AMMANAICKANUR POLICE STATION,
NILAKOTTAI.

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

ORDER

IN

CRL MP(MD) No.13428 of 2024

IN

CRL OP(MD) No.21677 of 2024

Date :11/12/2024

RS/GSV/SAR-(20.12.2024) 3P 5C

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