



CRL MP(MD) No.6083 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Ninth day of August Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.6083 of 2024
in
CRL OP(MD) No.8833 of 2024

K.KAMALAKKANNAN

... PETITIONER/PETITIONER

Vs

S.BALASUBRAMANIAN

... RESPONDENT/RESPONDENT

Criminal Miscellaneous 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 presence of the petitioner in S.T.C.No.114 of 2019 on the file of Judicial Magistrate, III, Srirangam , Trichy, pending disposal of the main Quash petition.

Prayer in CRL OP(MD). 8833/ 2024 :

To call for the record and quash the proceedings in S.T.C.No.114 of 2019 on the file of Judicial Magistrate III, Srirangam, Trichy against the petitioner.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SUKUMARAN.K, Advocate for the petitioner, the court made the following order:-

The learned counsel appearing for the petitioner would submit that the petitioner has resigned from the first accused-company as early as on 10.12.2013 and that even according to the complainant, the accused borrowed amount only on



CRL MP(MD) No.6083 of 2024

27.02.2014.

WEB COPY

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/-
09/08/2024

/ TRUE COPY /

/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL MP(MD) No.6083 of 2024

GNS

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.III
SRIRANGAM, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

ORDER

IN

CRL MP(MD) No.6083 of 2024

in

CRL OP(MD) No.8833 of 2024

Date :09/08/2024

SA/JGB/SAR. /19.08.2024/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.