



CRL MP(MD) No.8339 of 2024

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

Friday, the Sixteenth day of August Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP(MD) No.8339 of 2024
in
CRL OP(MD) No.13453 of 2024

MARIYAPPAN

... PETITIONER/ACCUSED NO.1

Vs

1 THE INSPECTOR OF POLICE
PULIAMPATTI POLICE STATION
THOOTHUKUDI DISTRICT.
CRIME NO.36/2022.

... 1ST RESPONDENT/COMPLAINANT

2 KANNAN

... 2ND RESPONDENT/DEFACTO COMPLAINANT

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 Personal Appearance of the Petitioners in STC No.13/2022 on the file of the Learned Judicial Magistrate, Ottapidaram pending disposal of above Crl OP.

Prayer in CRL OP(MD). 13453/ 2024 :

To call for the records relating to the STC No.13/2022 on the file of The Learned Judicial Magistrate, Ottapidaram and Quash the same as illegal, in so far as this petitioner concerned.

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.PRABU.M, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the 1st Respondent, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned

Additional Public Prosecutor appearing for the respondents.

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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/-

16/08/2024

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/08/2024

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

csm

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TO

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1 THE JUDICIAL MAGISTRATE, OTTAPIDARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, PULIAMPATTI POLICE STATION
THOOTHUKUDI DISTRICT.

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

ORDER
IN

CRL MP(MD) No.8339 of 2024
in

CRL OP(MD) No.13453 of 2024
Date :16/08/2024

RS/VR/SAR-(24.08.2024) 3P 5C
Madurai Bench of Madras High Court is issuing
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