



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

WEB COPY

Wednesday, the Twenty Eighth day of August Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CRL MP(MD). No.8736 of 2024

and

CRL OP(MD)No.14136 of 2024

M.Sivakumar

..Petitioner/sole Accused

Vs

1 The Inspector of Police

Thirumangalam Taluk Police Station

Madurai District. Crime No.74/2023.

..1st Respondent/Sole Accused

2 Murugesan

..2nd Respondent/Defacto complainant

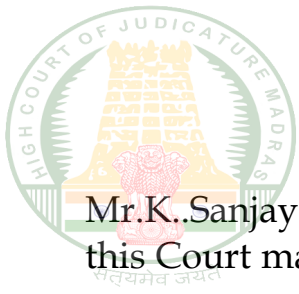
Prayer in Crl M.P.(MD)No.8736 of 2024;-

Criminal Miscellaneous Petition filed under 538 of BNSS and 482 of CPC, to Dispense with the personal appearance of the petitioner in CC No.281/2024 on the file of the Honble Judicial Magistrate, Thirumangalam pending disposal of the main Crl OP.

Prayer in Crl.O.P.(MD)No.14136 of 2024;-

Criminal Original Petition filed under 538 of BNSS and 482 of CPC, to call for the records connected with the case in C.C.No.281 of 2024 on the file of the Judicial Magistrate Court, Thirumangalam and quash the same as illegal as against the petitioner.

ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.L.Rajiah Advocate for the Petitioner and of



Mr.K..Sanjay Gandhi ,Government Advocate (Criminl Side)for the 1st respondent,
this Court made the following order:

WEB COPY

Considering the facts and circumstances of the case, 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 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 her 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.

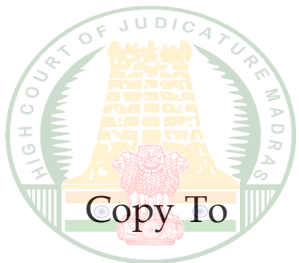
Sd/-

Assistant Registrar (CS II)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS - I/II/III/IV)



Copy To

1.Judicial Magistrate,
Thirumangalam,
Madurai.

+ 1cc to Mr.L.Rajiah Advocate SR.No.13980

ORDER DATED : 28/08/2024

C.D.Purpose only

=====

ORDER

=====

CRL MP(MD). No.8736 of 2024
and
CRL OP(MD)No.14136 of 2024

Giving direction and etc.
as stated within.

BV (20/02/2025) 3P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.