



Crl.M.P.(MD)No.8945 of 2024

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

Monday, the Second day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.8945 of 2024

in

Crl.O.P.(MD)No.14388 of 2024

SURENDRAKUMAR

... PETITIONER/ ACCUSED NO.3

Vs

1 THE INSPECTOR OF POLICE  
KODAL PUDUR POLICE STATION,  
MADURAI DISTRICT.  
CRIME NO. 225 OF 2018.

2 K. KASI  
SUB- INSPECTOR OF POLICE,  
KODAL PUDUR  
POLICE STATION,  
MADURAI DISTRICT.

... RESPONDENTS/RESPONDENTS

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 personal appearance of the petitioners before the trial court of impugned Charge sheet in C.C No. 211/2018 on the file of the Judicial Magistrate No.IV, Madurai in connection with Cr.No.255/2018 on the file of the 1st Respondent police and quash the same in so far as this petitioners concern.



Crl.M.P.(MD)No.8945 of 2024

Prayer in CRL OP(MD). 14388/ 2024 :

To call for the records pertaining to the case registered in impugned Charge sheet as against the petitioner in C.C No. 211/2018 on the file of the Judicial Magistrate No.IV, Madurai in connection with Cr.No.255/2018 on the file of the R-1 Police and quash the same in so far as this petitioners concern.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. ARUN.B, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Advocate on behalf of the Respondent No.1, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

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



Crl.M.P.(MD)No.8945 of 2024

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/-  
02/09/2024

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/09/2024  
Sub-Assistant Registrar (CS-I/ II/ III/ IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

csm

TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI
  - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
  - 3 THE INSPECTOR OF POLICE  
KOODAL PUDUR POLICE STATION,  
MADURAI DISTRICT.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.B.ARUN, Advocate ( SR-10755[I] dated 03/09/2024 )



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ORDER  
IN  
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in  
Crl.O.P.(MD)No.14388 of 2024  
Date :02/09/2024

RK/SG (05/09/2024) 4P / 6C

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