



CRL MP(MD) No.8845 of 2024

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

Thursday, the Twenty Ninth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CrI.M.P.(MD)No.8845 of 2024

in

CrI.O.P.(MD)No.14251 of 2024

RATHAKRISHNAN

... PETITIONER/ ACCUSED NO.2

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.

...1ST RESPONDENT/INVESTIGATION OFFICER

2 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.13 OF 2024.

...2ND RESPONDENT/COMPLAINANT

3 CHANDRAN

...3RD 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 petitioner herein in connection with Special S.C.No.39 of 2024 on the file of the Learned Special Court for Exclusive Trial of cases under SC/ST(POA) Act, 1989, Sivagangai, pending disposal of the above quash petition.



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Prayer in CRL OP(MD). 14251/ 2024 :

To call for the records in Special S.C.No.39 of 2024 on the file of the Learned Special Court for Exclusive Trial of case under SC/ST (POA) Act,1989, Sivagangai and on the file of the 2nd Respondent and Quash the same in respect of the petitioners.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.RAJA KARTHIKEYAN, Advocate for MR.B.CHAKKARAVARTHI, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate(Crl.side) for the Respondents 1 & 2, 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 1 and 2.

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



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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/-
29/08/2024

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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 JUDGE, SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASE UNDER SC/ST (POA) ACT,1989, SIVAGANGAI

2 THE DEPUTY SUPERINTENDENT OF POLICE,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.B.CHAKKARAVARTHI, Advocate (SR-10560[I] dated 29/08/2024)

<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

CrI.M.P.(MD)No.8845 of 2024

in

CrI.O.P.(MD)No.14251 of 2024

Date :29/08/2024

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

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