



CRL MP(MD) No.9004 of 2024

WEB COPY 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 MP(MD) No.9004 of 2024

in

CRL OP(MD) No.14462 of 2024

MURUGAN

... Petitioner / Petitioner

Vs

1 THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

2 MUTHUKUMAR

... 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 the Personnel Appearance of the petitioners in CC No.265/2023 pending on the file of the Learned Judicial Magistrate No.1, Virudhunagar pending disposal of the above criminal original petition.

Prayer in CRL OP(MD). 14462/ 2024 :

To call for the records relating to Petitioner in CC No.265/2023 pending on the file of the Learned Judicial Magistrate No.1, Virudhunagar and Quash the same in respect of the petitioner and consequently allow this criminal original petition.



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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.ANANDKUMAR.J, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent, the Court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the first respondent.

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



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Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported
in 2001 (4) SCC 667.

sd/-
02/09/2024

/ TRUE COPY /

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

GNS

To

- 1.The Judicial Magistrate No.I,
Virudhunagar.
 - 2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
 - 3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.J.ANANDKUMAR, Advocate (SR-10750[I] dated 02/09/2024)

ORDER
IN
CRL MP(MD) No.9004 of 2024
in
CRL OP(MD) No.14462 of 2024
Date :02/09/2024



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ED/ SG /SAR- (12/09/2024) 4P / 6C

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