



CRL MP(MD) No.9033 of 2024

WEB COPY

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

Tuesday, the Third day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9033 of 2024

IN

CRL OP(MD) No.14515 of 2024

JEGATHEESH

... PETITIONER/SOLE-ACCUSED

Vs

1 THE INSPECTOR OF POLICE  
BOOTHAPANDY POLICE STATION,  
KANYAKUMARI DISTRICT.  
CRIME NO.89 OF 2022.

... RESPONDENT/COMPLAINANT

2 KRISHNAKUMAR

... 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 before the trial Court in C.C.NO.424 of 2022 pending on the file of the Learned District Munsif Cum Judicial Magistrate, Boothapandy, Kanyakumari District pending the disposal of the main..

Prayer in CRL OP(MD). 14515/ 2024 :

To call for the entire records pertaining to the case in C.c.No.424 of 2022 pending on the file of the District Munsif Cum Judicial Magistrate, Boothapandy, Kanyakumari District and Quash the same as against the petitioner



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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.ANAND.R, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the 1<sup>st</sup> 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/-  
03/09/2024

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/09/2024

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

GNS  
TO

- 1 THE DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, BOOTHAPANDY,  
KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE  
BOOTHAPANDY POLICE STATION,  
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN

CRL MP(MD) No.9033 of 2024

IN

CRL OP(MD) No.14515 of 2024

Date :03/09/2024

SS/GS/SAR- /13/09/2024/3P/5C

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