



CRL MP(MD) No.9082 of 2024

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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.9082 of 2024

in

CRL OP(MD) No.14545 of 2024

JEYAMURUGAN

... PETITIONER/PETITIONER

Vs

1 THE SUB INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.2/2020

2 POUNRAJ

... 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 for the personal appearance of the petitioner herein in CC No.64/2023 on the file of the learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District for the present.

Prayer in CRL OP(MD). 14545/ 2024 :

To call for the records pertaining to CC No.64/2023 on the file of the Learned District Munsif cum Judicial Magistrate, Ottapidaram, Thoothukudi District and quash the same as illegal in respect of 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 MR.A.PRASANNA RAJADURAI, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate (Crl.Side) on behalf of the 1st Respondent and MR.J.PRABHU, Advocate on behalf of the 2nd Respondent, the court made the following order:-

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

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



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sd/-
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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, OTTAPIDARAM,
THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, OTTAPIDARAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.9082 of 2024

in

CRL OP(MD) No.14545 of 2024

Date :03/09/2024

RS/SG/SAR-(18.09.2024) 3P 5C

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