



CRL MP(MD) No.9104 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.9104 of 2024

in

CRL OP(MD) No.14606 of 2024

K.VELLAICHAMY

... Petitioner / Petitioner

Vs

1 THE INSPECTOR OF POLICE,
MADHAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.138 OF 2023.)

2 SOUNDARARAJAN

... 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 Personal appearance of the petitioner in charge sheet in S.T.C.No.241 of 2024 on the file of Learned Judicial Magistrate Court No.I, Sivagangai pending disposal of the main Criminal Original Petition.

Prayer in CRL OP(MD). 14606/ 2024 :

To call for the records of the impugned Charge Sheet in S.T.C.No.241 of 2024 on the file of Learned Judicial Magistrate Court No.I, Sivagangai and Quash the same.



CRL MP(MD) No.9104 of 2024

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.PRABHU RAJADURAI.G, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor 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 (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



CRL MP(MD) No.9104 of 2024

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

sd/-
03/09/2024

/ 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,
Sivagangai.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-10833[I] dated 04/09/2024)

ORDER

IN

CRL MP(MD) No.9104 of 2024

in

CRL OP(MD) No.14606 of 2024

Date :03/09/2024



CRL MP(MD) No.9104 of 2024

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

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