



CRL MP(MD) No.9856 of 2024

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

Friday, the Twentieth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9856 of 2024

in

CRL OP(MD)No.15674 of 2024

N.KANTHARAJ @ KAVIN RAJ

... PETITIONER/PETITIONER

Vs

1 THE STATE OF TAMILNADU
REP. BY THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
(CRIME NO.47/2020).

... RESPONDENT No.1/RESPONDENT No.1

2 A.GOVINDARAJ

... RESPONDENT No.2/RESPONDENT No.2

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 the proceedings in C.C.No.63 of 2021 pending on the file of the Learned Judicial Magistrate No.II, Ramanathapuram pending disposal of the above Criminal Original Petition.

Prayer in CRL OP(MD). 15674/ 2024 :

To pass an order to call for the records pertaining to the charge sheet in C.C.No.63 of 2021 pending on the file of the Learned Judicial Magistrate No.II, Ramanathapuram in Crime No.47 of 2020 dated 21.07.2020 for the alleged Offences U/s.294(b), 406, 420 and 506(i) of I.P.C quash the same as illegal.



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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.THIRUMURUGAN.T, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the 1st Respondent, the Court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal 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/-
20/09/2024

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/10/2024

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

CSM
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL MP(MD) No.9856 of 2024
in

CRL OP(MD)No.15674 of 2024
Date :20/09/2024

SS/MMS/SAR- /07/10/2024/3P/5C

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