



CRL MP(MD) No.9370 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Ninth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9370 of 2024

in

CRL OP(MD) No.14934 of 2024

M.VENKATESAN

... PETITIONER/ ACCUSED NO.2

Vs

1 THE INSPECTOR OF POLICE,
EPPODUMVENDRAN POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.96 OF 2022

... RESPONDENT NO.1/COMPLAINANT

2 D.SENTHILVELMURUGAN
SUB- INSPECTOR OF POLICE,
EPPODUMVENDRAN POLICE STATION,
THOOTHUKUDI DISTRICT.

... RESPONDENT NO.2
/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 petitioners in Charge sheet in C.C.No.109 of 2024 on the file of the District Munsif Cum Judicial Magistrate Court, Ottapidaram till the disposal of the instant Criminal Original Petition.

Prayer in CRL OP(MD). 14934/ 2024 :

To call for the records pertaining to the Impugned Charge sheet in C.c.No.109 of 2024 on the file of the District Munsif cum Judicial Magistrate Court, Ottapidaram in

<https://www.mhc.tn.gov.in/judis>



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Crime no.96 of 2022 U/s.6(4) of TN Scheduled Commodities (RDCS) order, 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955 dated 28.08.2022 on the file of the Respondent No.1 and quash the same against this petitioner alone as illegal.

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.K.DINESH, 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 respondents.

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



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

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

csm

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, OTTAPIDARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, EPPODUMVENDRAN POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN

CRL MP(MD) No.9370 of 2024

in

CRL OP(MD) No.14934 of 2024

Date :09/09/2024

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

Madurai Bench of Madras High Court is issuing
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