



CRL MP(MD) No.9890 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9890 of 2024

in

CRL OP(MD) No.15716 of 2024

MOHANRAJ

... Petitioners / Accused No.11

Vs

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH(DCB),
THOOTHUKUDI,
(CRIME NO.1/2023)

... 1st Respondent / Complainant

2 SANGARASUBRAMANIYAN

... 2nd 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 in C.C.No.1680 of 2023 on the file of the Learned Judicial Magistrate No.IV, Thoothukudi in so far as this Petitioner is concern pending disposal of the main Quash petition.

Prayer in CRL OP(MD). 15716/ 2024 :

To call for the records and Quash the same in C.C.No.1680 of 2023 on the file of



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the Learned Judicial Magistrate No.IV, Thoothukudi in so far as this Petitioner is concern.

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.D.S.HAROON RASHEED, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent No.1, the Court made the following order:-

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 he is 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/-
23/09/2024

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/10/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

To

- 1.The Judicial Magistrate No.IV,
Thoothukudi.
- 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 3.The Inspector of Police,
District Crime Branch (DCB),
Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.9890 of 2024
in
CRL OP(MD) No.15716 of 2024
Date :23/09/2024



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ED/ MMS /SAR- (07/10/2024) 4P / 5C

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