



CRL MP(MD) No.9711 of 2024

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

Wednesday, the Eighteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9711 of 2024

in

CRL OP(MD)No.15518 of 2024

SRINIVASH

... PETITIONER/ ACCUSED No.1

Vs

1 THE STATE OF TAMILNADU
REP. BY THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
TIRUNELVELI CITY.
(CRIME NO. 274/2023)

... 1st RESPONDENT/COMPLAINANT

2 RAJESH

... 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 before the trial court in all further hearings in C.C.No. 586 of 2024 on the file of the Learned Judicial Magistrate No.1, Tirunelveli in connection with Crime No. 274 of 2023 dated 08.12.2023 pending disposal of the above Quash petition.

Prayer in CRL OP(MD). 15518/ 2024 :

To call for the records pertaining to the C.C.No. 586 of 2024 on the file of the Learned Judicial Magistrate No.1, Tirunelveli in connection with Crime No. 274 of 2023 dated 08.12.2023 on the file of the Respondent Police and quash the same.



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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.HENRI TIPHAGE, 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:-

Considering the facts and circumstances of the case, 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 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 her 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/-
18/09/2024

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/09/2024

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.I
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
TIRUNELVELI CITY.

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

ORDER
IN

CRL MP(MD) No.9711 of 2024
in

CRL OP(MD)No.15518 of 2024
Date :18/09/2024

SS/JGB/SAR- /26/09/2024/3P/5C

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