



Crl.M.P.(MD)No.10988 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Tenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.(MD)No.10988 of 2024

in

Crl.O.P.(MD)No.17743 of 2024

SUTHANLAL PATHESANTH

... Petitioner / Petitioner /
Accused No. 1

Vs

1 THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
CRIME NO.144 OF 2011.

2 K. VIJAYAKUMAR

... Respondents/ 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 before the trial proceedings in connection with the case in C.C.No. 130 of 2014 on the file of the Learned Judicial Magistrate, Thuraiyur, Trichy District, pending disposal of the above Quash Petition.



Crl.M.P.(MD)No.10988 of 2024

Prayer in CRL OP(MD). 17743/ 2024 :

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To call for the records in relation to final report in C.C.No. 130 of 2014 on the file of the Learned Judicial Magistrate, Thuraiyur, Trichy District and consequently quash the same as illegal forthwith and thus render justice.

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.K.PRABAKARAN, Advocate for the petitioner and of M/s.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioner in C.C.No.130 of 2014 , on the file of the Judicial Magistrate Court, Thuraiyur, Trichy District is ordered to be dispensed with, on condition 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 shall 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 his identity or 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 adopt



Crl.M.P.(MD)No.10988 of 2024

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

sd/-
10/12/2024

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/ 12 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. THE JUDICIAL MAGISTRATE,
THURAIYUR,
TRICHY DISTRICT.

2. DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.

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



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Crl.M.P.(MD)No.10988 of 2024

ORDER
IN
Crl.M.P.(MD)No.10988 of 2024
in
Crl.O.P.(MD)No.17743 of 2024
Date :10/12/2024

PSP/ GSV /SAR /18.12.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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