



Crl.M.P.(MD)No.10386 of 2024

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

Thursday, the Seventeenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.10386 of 2024
in
Crl.O.P.(MD)No.16564 of 2024

VIVEK

... PETITIONER/2ND ACCUSED

Vs

O.CHOWDI

... RESPONDENT/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 C.C No. 910 of 2024 on the file of the Judicial Magistrate court No.VI, Madurai pending disposal of this Crl O.P and pass such further or other orders.

Prayer in CRL OP(MD). 16564/ 2024 :

To call for the records in C.C No. 910 of 2024 on the file of the Judicial Magistrate court No.VI, Madurai and quash the same so far as the petitioner is concern and pass such further or other orders.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.SIVASUBRAMANIAN, Advocate for the petitioner, the court made the following order:-

Heard the learned counsel appearing for the petitioner.



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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 other side 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.

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

sd/-
17/10/2024

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/10/2024

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

GNS

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1.THE JUDICIAL MAGISTRATE COURT NO.VI, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

ORDER
IN
Crl.M.P.(MD)No.10386 of 2024
in
Crl.O.P.(MD)No.16564 of 2024
Date :17/10/2024

RK/JGB(23/10/2024) 3P / 3C

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