



CRL MP(MD) No.10567 of 2024

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

Wednesday, the Sixteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.10567 of 2024

in

Crl.O.P.(MD)No.16820 of 2024

D.GOPISHANKAR

... PETITIONER/ ACCUSED 5

Vs

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
CRIME NO.4/2009.

... 1st RESPONDENT/COMPLAINANT

2 CHANDRAKANTH CHANGAPPA CHANG ANAVAR,
PARTNER,
S.P.CHANGANAVAR AND SONS,
A.P.M.C.YARD, PLOT NO.127,
POST BOX NO.17,
KADHAK, 528101.
KARNATAKA STATE.

... 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 issue an order of Dispense with personal appearance of the petitioner in charge sheet in C.C.No.87/2010 on the file of Magistrate Court No.2, Virudhunagar on pending disposal of the above Quash petition.



CRL MP(MD) No.10567 of 2024

Prayer in CrI.OP(MD).16820/2024:

To call for the records pertaining to the impugned charge sheet in C.C.No.87/2010 of the file of Magistrate Court No.2, Virudhunagar and quash the same as against this petitioner alone.

ORDER : This Criminal Miscellaneous 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 Mr.Mr.S.RAMSUNDARVIJAYRAJ, 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 first respondent.

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



CRL MP(MD) No.10567 of 2024

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)

SCC 667.

sd/-
16/10/2024

/ TRUE COPY /

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

CSM

TO

1 THE JUDICIAL MAGISTRATE NO.2,
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.

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

ORDER IN
Crl.M.P.(MD)No.10567 of 2024
in
Crl.O.P.(MD)No.16820 of 2024
Date :16/10/2024

SA/JGB/SAR. /21.10.2024/3P/5C

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