



CRL MP(MD) No.10871 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

CrI.M.P.(MD)No.10871 of 2024

in

CrI.O.P.(MD)No.17475 of 2024

SANMUGAM @ SHANMUGAM

... PETITIONER/PETITIONER

Vs

1 THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 107/2016

2 MOHAMMED HANIFA

... RESPONDENTS/RESPONDENTS

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 STC No. 2265 of 2019 on the file of the learned Judicial Magistrate, Paramakudi pending disposal of the criminal original petition in the interest of justice.

Prayer in CRL OP(MD). 17475/ 2024 :

To call for the records pertaining to the charge sheet in STC no. 2265 of 2019 on the file of the learned Judicial Magistrate, Paramakudi and quash the same as far as this petitioner is concerned and pass such other or further orders



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Order: This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.SENTHIL MURUGAN, 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:-

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 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)

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SCC 667.

sd/-
16/10/2024

/ TRUE COPY /

/10/2024

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

csm

TO

1.THE JUDICIAL MAGISTRATE, PARAMAKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. C.C. to C.SENTHIL MURUGAN Advocate SR.No.12495 dated 16.10.2024

ORDER

IN

Crl.M.P.(MD)No.10871 of 2024

in

Crl.O.P.(MD)No.17475 of 2024

Date :16/10/2024

RK/MMS (19/10/2024) 3P / 6C

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