



Crl.M.P.(MD)No.10642 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.10642 of 2024

in

Crl.O.P.(MD)No.16919 of 2024

ATHIRAJ

... PETITIONER/ ACCUSED NO.1

Vs

1 THE STATE OF TAMIL NADU

REP BY THE DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
USILAMPATTI, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE

USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

CRIME NO. 326/2023

...1ST AND 2ND RESPONDENTS/
COMPLAINANTS

3 ARUL PANDI

... 3RD RESPONDENT/
DEFACTO COMPLAINANT

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 / A1 in the above Spl S.C NO. 12/20224 on the file of the learned 3rd Addl District court, PCR Madurai in so far as this petitioner /A1 is concerned pending disposal of the above quash petition.



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Prayer in CRL OP(MD). 16919/ 2024 :

To call for the records pertaining to the above Spl S.C NO. 12/20224 on the file of the learned 3rd Addl District court, PCR Madurai, Madurai district and quash the same in so far as this petitioner / A1 is concerned and pass such other orders.

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.B.SANTHANAM RAJESH KUMAR, Advocate for the petitioner and of MR.K.SANJAI GANDHI, Government Advocate(Crl.side) on behalf of the Respondents 1 & 2, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2.

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



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petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his
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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/-
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 DEPUTY SUPERINTENDENT OF POLICE,
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
USILAMPATTI, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION, MADURAI DISTRICT.

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

ORDER
IN

Crl.M.P.(MD)No.10642 of 2024
in

Crl.O.P.(MD)No.16919 of 2024
Date :16/10/2024

RK/VR (21/10/2024) 3P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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