



Crl.O.P.(MD)No.17869 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17869 of 2024

and

Crl.M.P.(MD)Nos.11032 and 11033 of 2024

V.Mohan Das

... Petitioner

Vs.

1.The Inspector of Police,
Crime Branch,
Tirunelveli District.
(Crime No.02 of 2018)

2.Yogaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 B.N.S.S., to call for the records relating to the C.C.No.08 of 2023 on the file of the Special Court under TNPID (IN F.ES) Act, Madurai and quash the same.

For Petitioner : Mr.Aayiram K.Selvakumar

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to quash the charge sheet in C.C.No.08 of 2023 pending on the file of the Special Court under TNPID (IN F.ES) Act, Madurai.

2. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the petitioner is restricting his prayer that his personal appearance may be dispensed with. He would further submit that trial is yet to be commenced, that there are 1262 witnesses and that the petitioner is a resident of Chennai.

3. Considering the above, the criminal miscellaneous petition in Crl.M.P.No.11033 of 2024 is ordered and accordingly, 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



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

4. In the result, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P.(MD)No. 11032 of 2024 is closed.

22.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.MURALI SHANKAR,J.

csn

To

- 1.The Special Court under TNPID (IN F.ES) Act,
Madurai.
- 2.The Inspector of Police,
Crime Branch,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.O.P.(MD)No.17869 of 2024
and
Crl.M.P.(MD)Nos.11032 and 11033 of 2024

Dated: 22.10.2024