



CRL MP(MD) No.10795 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.10795 of 2024

in

CrI.O.P.(MD)No.17428 of 2024

M.SIVASANKARAN

... PETITIONER/PETITIONER

Vs

P.ARJUN

... RESPONDENT/RESPONDENT

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 petitioner pending trial in S.C. No. 162 of 2023 on the file of the Learned Judicial Principal and Sessions Judge, Kanyakumari District at Nagercoil till the disposal of the instant CrI.O.P.

Prayer in CRL OP(MD). 17428/ 2024 :

To Call for the records pertaining to Private Complaint filed by the Respondent in S.C. No. 162 of 2023 on the file of the Learned Judicial Principal and Sessions

<https://www.mhc.tn.gov.in/judis>



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Judge, Kanyakumari District at Nagercoil and quash the same as illegal as against the petitioner alone.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.T. SEENI SYED AMMA, Advocate for the petitioner, the court made the following order:-

Heard the learned counsel appearing for the petitioner.

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

<https://www.mhc.tn.gov.in/judis>



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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

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

CSM
TO
THE JUDICIAL PRINCIPAL AND SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

+1. C.C. to M/s.T. SEENI SYED AMMA Advocate SR.No.12555 (I) DT.17/10/2024

ORDER
IN
Crl.M.P.(MD)No.10795 of 2024
in
Crl.O.P.(MD)No.17428 of 2024
Date :16/10/2024

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

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