



Crl.M.P.(MD)No.11528 of 2024

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

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.M.P.(MD)No.11528 of 2024

in

Crl.O.P.(MD)No.18560 of 2024

N.P.DHESI

... PETITIONER/PETITIONER

Vs

THE DEPUTY DIRECTOR II,
INDUSTRIAL SAFETY AND HEALTH,
TIRUNELVELI

... RESPONDENT/PETITIONER

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 in C.C No. 1192 of 2022 pending on the file of the learned Chief Judicial Magistrate court, Kanyakumari till the disposal of the quash petition.

Prayer in Crl.O.P.(MD)No.18560 of 2024

Pleased to call for the records relating to the impugned complaint in C.C No. 1192 of 2022 pending on the file of the learned Chief Judicial Magistrate Court, Kanyakumari and quash the same as against the petitioner.

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



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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.M.P.SENTHIL, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 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/-
28/10/2024

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/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM
TO
1 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI.

2 THE DEPUTY DIRECTOR II,
INDUSTRIAL SAFETY AND HEALTH,
TIRUNELVELI

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

ORDER
IN
CRL MP(MD) No.11528 of 2024
Date :28/10/2024

SA/JGB/SAR. /07.11.2024/3P/4C

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