



Crl.M.P.(MD)No.12604 of 2024

WEB COPY

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

Monday, the Twenty Fifth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.(MD)No.12604 of 2024

in

Crl.O.P.(MD)No.20381 of 2024

WILSON

... PETITIONER/ ACCUSED 1

Vs

THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.145/2023.

... RESPONDENT/COMPLAINANT

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 CC No.579/2023 on the file of the Learned Judicial Magistrate I, Kuzhithurai, Kanyakumari District pending disposal of the Criminal Original Petition.

Prayer in CRL OP(MD). 20381/ 2024 :

To call for the records pertaining in CC No.579/2023 on the file of the Learned Judicial Magistrate No.1, Kuzhithurai, Kanyakumari District and Quash the same as

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



Crl.M.P.(MD)No.12604 of 2024

far as the petitioner concerned.

WEB COPY

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 Mr.C.MUTHUSARAVANAN, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(crl.side) on behalf of the Respondent, While admitting the Criminal Original Petition, the court made the following order:-

Considering the facts and circumstances of the case, the personal appearance of the petitioner in C.C.No.579 of 2023, on the file of the Judicial Magistrate Court No.I, Kuzhithurai, Kanyakumari District, is ordered to be dispensed with, on condition 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 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 learned trial Judge for the purpose of identification. If the petitioner adopts any dilatorily tactics, it is open for the trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of the

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



Crl.M.P.(MD)No.12604 of 2024

Hon'ble Supreme Court in the case of State of Uttar Pradesh vs. Shambhu Nath

WEB COPY

Singh reported in 2001 (4) SCC 667.

sd/-
25/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER IN
Crl.M.P.(MD)No.12604 of 2024
in
Crl.O.P.(MD)No.20381 of 2024
Date :25/11/2024

SA/VR/SAR. /03.12.2024/3P/C

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

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