



CRL MP(MD) No.12815 of 2024

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

Wednesday, the Twenty Seventh day of November Two Thousand and Twenty
Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.12815 of 2024

in

CRL OP(MD)No.20726 of 2024

GURUNATHAN

... PETITIONER/ ACCUSED No.3

Vs

1 THE STATE OF TAMIL NADU

REP. BY THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI, DISTRICT.

(CRIME NO. 182 OF 2021)

... 1st RESPONDENT/COMPLAINANT

2 KALPANA,

... 2nd RESPONDENT/DEFACTO 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 grant an order of DISPENSE WITH PERSONAL APPEARANCE of the petitioner in PRC. No. 70 of 2023 on the file of the Learned Judicial Magistrate No. II, Thoothukudi.

Prayer in CRL OP(MD). 20726/ 2024 :

To call for the records relating to the PRC No. 70 of 2023 on the file of the Learned Judicial Magistrate No. II. Thoothukudi and Quash the same by allowing this Criminal Original Petition.



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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.MOHAMED RIYAZ. M, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st 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 P.R.C.No.70 of 2023, on the file of the Judicial Magistrate Court No.II, Thoothukudi, 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



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appearānce and deal with the petitioner in accordance with the judgment of the
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Hon'ble Supreme Court in the case of *State of Uttar Pradesh vs. Shambhu Nath Singh* reported in 2001 (4) SCC 667.

sd/-
27/11/2024

/ 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.II
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI, DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL MP(MD) No.12815 of 2024
in
CRL OP(MD)No.20726 of 2024
Date :27/11/2024

SS/GSV/SAR- /10/12/2024/ 4P/5C

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