

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 9.6.2015

Date of verdict : 10.6.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.5050 of 2015

Murugaiyan

... Petitioner

Vs

The Inspector of Police,  
Annamalai Nagar Police Station,  
Cuddalore Dt.(Crime No.243/2014)

... Respondent

Criminal Original Petition filed under Section 482 of Criminal Procedure Code set aside the order passed in C.M.P.No.376 of 2015 and subsequently, relax the condition imposed by the learned Judicial Magistrate No.I, Chidambaram.

For Petitioner : Mr.A.Raja Mohammed  
For Respondent : Mr.M.Mohamed Riyaz  
Govt. Advocate (Crl.Side)

ORDER

The present petition has been filed by the petitioner to set aside the order passed in C.M.P.No.376 of 2015 and subsequently, relax the condition imposed by the learned Judicial Magistrate No.I, Chidambaram.

2. The petitioner is an accused in Cr.No.243 of 2014 on the file of the respondent police for the alleged offence punishable under Sections 147, 148, 324, 307, 302, 120B I.P.C. and Section 3 of PPD Act and Sections 3 and 4 of Explosive Substances Act, 1908, 3(1)(r), 3(1)(s), 3(2)(v)3(2)(va). He preferred a bail petition before the learned Judicial Magistrate No.I, Chidambaram in C.M.P.No.6587 of 2014 and the learned Magistrate granted bail by order dated 12.12.2014. At the time of granting bail, the learned Magistrate has imposed a condition that the petitioner shall appear before the Station House Officer, Viyasarpadi Town Police Station, Chennai, daily at 10.30 a.m. and 5.30 p.m., until further orders without fail. According to the petitioner, he has complied with the said condition for a period of 30 days. Thereafter, he has filed a petition for

relaxation before the learned Judicial Magistrate No.I, Chidambaram in C.M.P.No.376 of 2015. But, the same was dismissed. Hence, the present petition.

3. Learned counsel appearing for the petitioner submitted that the petitioner is the resident of Cuddalore. After obtaining bail, he came to Chennai to comply with the condition imposed by the learned Magistrate. While he was complying with the condition, he was threatened by the respondent police that they are going to detain him by invoking Act 14/1982. Hence, the petitioner filed a writ petition before this Court in W.P.No.1116 of 2015. In the said writ petition, this Court passed an order dated 21.1.2015 stating that no action shall be taken to invoke the provisions of Act 14/1982 as against the petitioner. However, in the said order, this Court directed the petitioner herein to comply with the condition imposed by the learned Magistrate. Now, after thirty days, the petitioner has filed a relaxation petition before the learned Magistrate and the learned Magistrate misunderstood the order passed by this Court in W.P.No.1116 of 2015 and dismissed the relaxation petition. Thus, he sought for relaxation of the condition imposed on the petitioner.

4. Learned Government Advocate (Crl. Side) vehemently opposed for relaxing the condition imposed on the petitioner by filing a detailed counter. In the counter, it has been stated that the petitioner herein has not complied with the conditions properly. In fact, he has not appeared before the Station House Officer, Viyasarpadi Town Police Station, Chennai, after 8.4.2015. Hence, he is not entitled for relaxation.

5. Keeping the submissions made on either side, I have carefully gone the materials placed before this Court and I find that though the learned Single Judge of this Court has passed an order in W.P.No.1116 of 2015 directing the respondent police not to invoke the provisions of Act 14/1982, in the same order, a direction was given to the petitioner to appear before the Station House Officer, Viyasarpadi Town Police Station, Chennai as directed by the learned Magistrate. But, he has not complied with the said condition from 8.4.2015. Therefore, the question of relaxing the condition imposed by the learned Magistrate does not arise. Hence, the petition is dismissed.

sbi

s/d-  
Assistant Registrar(J)

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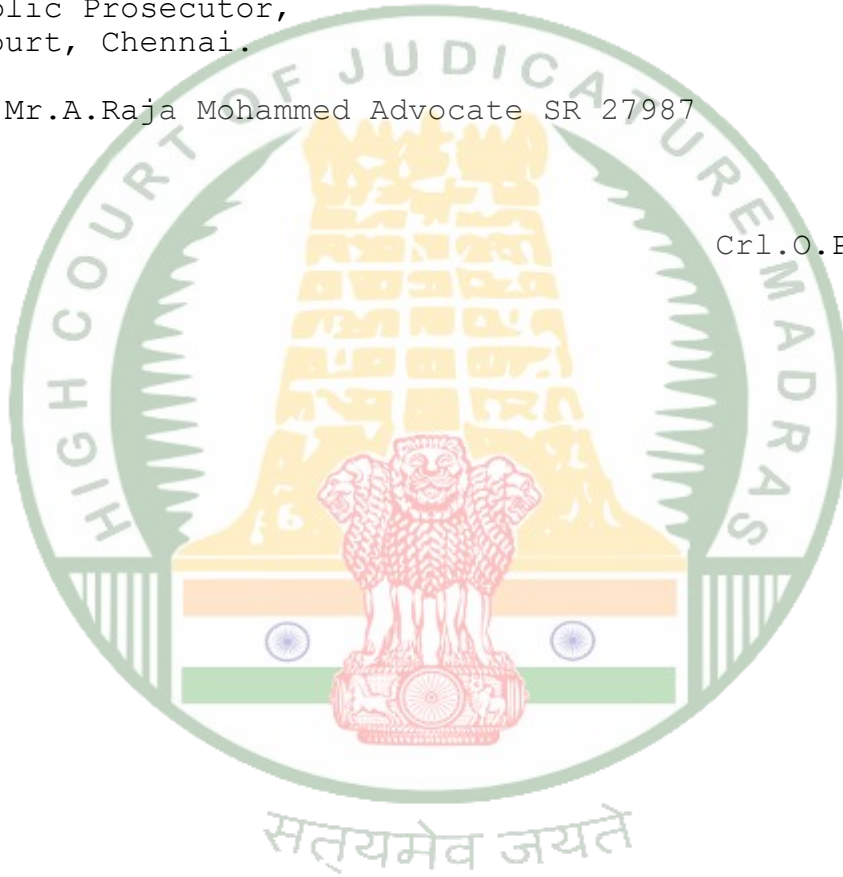
Sub-Assistant Registrar

To

1. The Judicial Magistrate No.I,  
Chidambaram.
  2. -do- thro the Chief Judicial Magistrate,  
Cuddalore.
  3. The Inspector of Police,  
Annamalai Nagar Police Station,  
Cuddalore Dt.
  4. The Public Prosecutor,  
High Court, Chennai.
- + 1 cc to Mr.A.Raja Mohammed Advocate SR 27987

bvr(co)  
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Cr1.O.P.No.5050 of 2015



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