

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.07.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.11831 of 2016

Solapuram Baburao

... Petitioner

Vs

State represented by
Inspector of Police,
M-4, Thudiyallur Police Station,
Coimbatore District.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to modify the condition imposed by the learned Principal District and Sessions Court, Coimbatore, by order dated 09.02.2016 and made in Crl.M.P.No.350/2016 in Crime No.474/2015 the same enabling the petitioner enlarging on bail by allowing this Criminal Original Petition.

For Petitioner : No appearance
For Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to modify the condition imposed by the learned Principal District and Sessions Judge, Coimbatore by order dated 09.02.2016 in Crl.M.P.No.350 of 2016 in Crime No.474 of 2015.

2. May be on account of boycott of Courts, there is no representation on the side of the petitioner. However, in Harish Uppal [Ex.Capt.] Vs Union of India reported in [2003] 2 SCC 45, the Hon'ble Supreme Court has held that boycott of Courts is illegal and therefore, this Court went through the records and passed orders, on hearing the learned Additional Public Prosecutor.

3. On 17.06.2016, this Court passed the following order:

"This petition has been filed to modify the conditions imposed by the learned Principal District and Sessions Judge, Coimbatore, by order dated 09/02/2016 made in Crl.M.P. No.350 of 2016 in Crime No.474 of 2015.

2. When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent submitted that the case is pending in S.C.No.64 of 2016 before the Bomb Blast Court, Coimbatore and posted to 20.06.2016 for examination of witnesses PW1 to PW10.

3. In view of the above, the petitioner shall co-operate with the trial and cross examine the witnesses without adopting any dilatory tactics, as held by the Hon'ble Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MLJ [Cr1] 288. The conditions will be relaxed subject to the conduct of the petitioner before the trial Court. Post on 04.07.2016."

4. Learned Additional Public Prosecutor submitted that on 20.06.2016, PW1 to PW7 were examined by the trial Court in S.C.No.64 of 2016. But, witnesses were not cross-examined by the accused, on account of boycott of courts.

5. In the considered opinion of this Court, boycott of courts cannot be a reason to desist from cross examination of witnesses.

Under such circumstances, this petition stands dismissed.
s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. Principal District and Sessions Judge,
Coimbatore.

2. The Inspector of Police,
M-4, Thudiyallur Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court, Chennai.

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