

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.5292 of 2016

1.Anbarasan
2.Murali Sankar

.. Petitioners

Vs.

State rep. by
The Sub-Inspector of Police,
Pappireddypatti Police Station,
Dharmapuri District.
(Crime No.75/2016)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 (1) b r/w 482 of Cr.P.C., to set aside the order by relaxing the condition imposed on 14.02.2016 in C.M.P.No.1091 of 2016 on the file of the Judicial Magistrate cum District Munsif Court, Pappireddypatti.

For Petitioners : Mr.R.Sankarasubbu
For Respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioners have come forward with this petition to set aside the order by relaxing the condition imposed on 14.02.2016 in C.M.P.No.1091 of 2016 on the file of the Judicial Magistrate cum District Munsif Court, Pappireddypatti.

2.The learned counsel for the petitioners submitted that when the petitioners were arrested and produced before the learned Judicial Magistrate cum District Munsif Court, Pappireddypatti on 14.02.2016, the learned Magistrate has not remanded the petitioners/accused to judicial custody, but the petitioners were directed to appear before the respondent police daily at 10.00 a.m. until further orders. He further submitted that the petitioners filed a petition in C.M.P.No.1091 of 2016 for relaxing the condition imposed by the learned Magistrate on 14.02.2016, but the said petition was dismissed on 01.03.2016 stating that final report was yet to be filed. Hence, he has filed the present petition for the above stated relief.

3.Heard the learned Additional Public Prosecutor appearing for the respondent.

4.A case has been registered against the petitioners in Crime No.75 of 2016 for the offences punishable under Sections 294(b), 323 and 506(i) of IPC. When the petitioners were arrested, the learned Judicial Magistrate cum District Munsif Court, Pappireddypatti was not inclined to remand them to judicial custody. However, he has directed the petitioners to appear before the respondent police daily at 10.00 a.m. until further orders for facilitating the respondent police to complete the investigation. The petitioners have filed a petition in C.M.P.No.1091 of 2016 before the learned Judicial Magistrate cum District Munsif Court, Pappireddypatti. But the said petition was dismissed since final report was not filed. But, considering the gravity of offences, I am inclined to set aside the order passed by the learned Judicial Magistrate cum District Munsif Court, Pappireddypatti in C.M.P.No.1091 of 2016 and the condition imposed by the learned Magistrate is totally relaxed.

5.In the result, the Criminal Original Petition is allowed and the impugned order passed by the learned Judicial Magistrate cum District Munsif Court, Pappireddypatti in C.M.P.No.1091 of 2016 dated 01.03.2016 is hereby set aside.
cse

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate-cum-District Munsif,
Pappireddypatti.

2.The Sub-Inspector of Police,
Pappireddypatti Police Station,
Dharmapuri District.

3.The Public Prosecutor, High Court, Chennai.

+ 1 cc to Mr.R.Sankarasubbu, Advocate Sr 16209

KR/21/3/16

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