

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.15541 of 2017

IN CRL A.844/2016

MUTHU @ PACHAMUTHU

[PETITIONER/PETITIOENR]

Vs

THE INSPECTOR OF POLICE
KUMARAPALAYAM POLICE STATION
NAMAKKAL DISTRICT
CRIME NO.228 OF 2016

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to

[I]relax the condition imposed in CRL.M.P.NO.13826 of 2016 in Crl.Appeal No.844 of 2016 dated 04.04.2017 on the file of this Hon'ble High court and thus render justice.[CRL.MP.NO.15541/2017]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.JAYAKUMAR Advocate for the petitioner and of MR.K.MATHAN Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

In Crl.M.P.No.13826 of 2016 in Crl.A.No.844 of 2016, this Court, by Order dated 04.04.2017, suspended the sentence imposed upon the petitioner by the trial Court in S.C.No.25 of 2003 by judgment dated 09.12.2016 and enlarged the petitioner on bail on various conditions, one of which, is that the petitioner shall appear before the trial Court at 11.00 a.m on every Monday and Thursday.

2. It is the case of the petitioner that he has been regularly appearing before the trial Court, as directed by this Court, but, however, on 06.11.2017 and 09.11.2017 he was not able to appear before the trial Court on account of his illness. However, when the petitioner went to the trial Court on 13.11.2017, the trial Court did not permit him to appear. The petitioner has filed an affidavit, wherein, in paragraph No.5, he has stated as follows:

" I submit that I was not able to appear before the trial Court on 06.11.2017 and on 09.11.2017 since I was suffering from high fever due to viral infection. After my recovery from fever, when I appeared before the Hon'ble Trial Court on 13.11.2017 and filed a Memorandum to condone my absence

along with medical certificate the Hon'ble Trial Court did not permit me to appear and put my signature as I was absent before the Trial Court on 06.11.2017 and 09.11.2017. Therefore since 13.11.2017, I was not able to comply with the condition imposed by this Hon'ble Court due to the bonafide reason of my illness as stated above.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

4. Taking into consideration the facts and circumstances of the case, the condition imposed by this Court in Crl.M.P.No.13826 of 2016 dated 04.04.2017 is modified to the effect that the petitioner shall appear before the trial Court at 10.30 a.m on the first working day of every month until disposal of the appeal.

5. If the petitioner is not able to appear on any particular date, he may file a petition under Sec.317 of Criminal Procedure Code through his counsel for condoning his absence and shall appear before the trial Court on another date, in lieu of the date of his absence.

-sd/-

08/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE
KUMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. To M/SS.JAYAKUMAR Advocate on payment of necessary
charges SR.NO. Order

in
CRL MP.15541/2017

in
CRL A.844/2016

Date :08/12/2017

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RD 12/12/2017