



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

Monday, the Seventeenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.5367 of 2017
IN
CRL A(MD) No.210 of 2011

R.KALIYAPERUMAL,

... PETITIONER/PETITIONER/
PETITIONER/ACCUSED

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THANJAVUR.

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to relax the condition imposed on the petitioner in M.P.(MD)No.1 of 2011 in Crl.A.(MD)No.210 of 2011 on 01.08.2011 and thus render justice.

PRAYER IN CRL A(MD)NO.210/2011 :

Criminal Appeal is filed Under Section 27 of the P.C.Act r/2 374(ii) Cr.P.C, praying to allow the appeal and acquit the appellant who has been convicted by the Special Judge -cum-Chief Judicial Magistrate, Thanjavur at Kumbakonam in Special Case No.1 of 2003 by its Judgment dated 30.06.2011 and set aside same.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.BAALASUNDHARAM, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor for the Respondent the court made the following order:-

This Court by the order dated 01.08.2011 suspended the sentence imposed on the petitioner and directed the petitioner to appear before the Court of Special Judge - cum - Chief Judicial Magistrate, Thanjavur at Kumbakonam on the first working day of every English Calendar Month at 10.30 a.m., until further orders. According to the petitioner, he is complying with the condition from September, 2011, nearly for six years. Now the petitioner is aged about 69 and he is suffering from so many ailment and the doctor advised him not to travel long distance. In the above circumstances, the petitioner is not in a position to appear before the Court every month and hence, he sought for relaxation by way of filing the present petition.



2. Earlier, this Court directed the trial Court to submit a report regarding compliance of the condition imposed by this Court. The Chief Judicial Magistrate, Thanjavur at Kumbakonam submitted a report dated 10.07.2017 stating that the petitioner is regularly appearing before the Court.

3. Considering the fact that the petitioner is suffering from ailment and he is appearing before the Court nearly for six years, the condition imposed by this Court is modified to the effect that the petitioner should appear before the trial Court once in three months on the first working day of English Calendar month at 10.30 a.m., till the disposal of Criminal Appeal.

4. This petition is allowed with the above modification.

sd/-
17/07/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL JUDGE-CUM-CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM

2 THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
THANJAVUR.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.K.BAALASUNDHARAM Advocate SR.No.26667

GJM/RR/BS/SAR-3-20.7.17-2P-5C

ORDER
IN
CRL MP(MD) No.5367 of 2017
IN
CRL A(MD) No.210 of 2011
Date :17/07/2017