



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

Monday, the Tenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) Nos.5819 and 5820 of 2017

IN

CRL A(MD) No.31 of 2017

R.YOGANANTH KUMAR,

... PETITIONER/APPELLANT/
ACCUSED NO.4
in both the petitions

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
(LAW & ORDER), K.PUDUR POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO.544/2013)

... RESPONDENT/RESPONDENT/
COMPLAINANT
in both the petitions

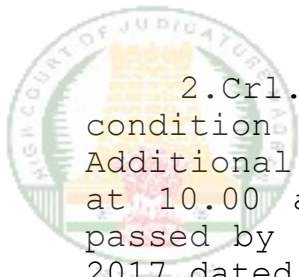
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to condone the petitioner/appellant/accused's absence to report the condition on 04.07.2017 before the learned 2nd Additional Special Judge (For NDPS Act Cases), Madurai as per order passed in Crl.M.P.No.886 of 2017 dated 31.1.2017 in C.A.No.31/2017 on the file of this Honourable Court and thus render justice.

Prayer in CRL MP(MD). 5820/ 2017 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to relax the condition directing the petitioner/appellant/accused to report before the 2nd Additional Special Judge (For NDPS Act Cases), Madurai once in a week on every Tuesday at 10.00 a.m. till the disposal of the appeal imposed in Crl.M.P.No.886/2017 dated 31.01.2017 in C.A.No.31 of 2017 on the file of this Honourable Court.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S. R. VENKATESWARAN, Advocate for the petitioner and of Mr.C.Mayilvaganarajendran, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Crl.M.P(MD)No.5819 of 2017 has been filed to condone the absence of the Petitioner to comply with the condition on 4.7.2017 before the learned 2nd Additional Special Judge(For NDPS Act Cases), Madurai, as per the order passed by this Court in Cr.M.P.No.886 of 2017 in Crl.A(MD)No.31 of 2017, dated 31.1.2017



2.Crl.M.P(MD)No.5820 of 2017 has been filed to relax the condition directing the Petitioner to report before the learned 2nd Additional Special Judge(For NDPS Act Cases), Madurai once in a week at 10.00 a.m till the disposal of the appeal as per the order passed by this Court in Crl.M.P.No.886 of 2017 in Crl.A(MD)No.31 of 2017 dated 31.1.2017.

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3.The Petitioner has been convicted under Section 20(b)(ii)(b) of NDPS Act and sentenced to undergo 15 months rigorous imprisonment and to pay a fine of R\$.10,000/- and in default, to undergo simple imprisonment for three months in C.C.No.269 of 2013, dated 18.1.2017, by the learned Second Additional Special Judge(for NDPS Act Cases),Madurai. Against which, the Petitioner has filed the above appeal. This Court while granting suspension of sentence directed the Petitioner to appear before the trial Court once in a week on Tuesday at 10.00 a.m till the disposal of the appeal.

4.I have heard the submissions made by Mr.R.Venkateswaran, learned counsel for the Petitioner and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor appearing for the respondent/State and considered the materials available on record.

5.Now the learned counsel for the Petitioner would submit that the Petitioner is complying with the conditions from 7.2.2017 regularly and on 4.7.2017, the Petitioner could not appear before the Court for bona-fide reason. Hence, he filed the present Petition to condone the absence on that day.

6.Considering the fact the Petitioner is complying with the conditions regularly, the absence of the Petitioner on 4.7.2017 to appear before the Court below is condoned, and the condition imposed earlier by this Court is modified to the effect that the Petitioner shall appear before the trail Court on the first working day of every English Calendar months till the disposal of the appeal. These Petitions are ordered accordingly.

sd/-
10/07/2017

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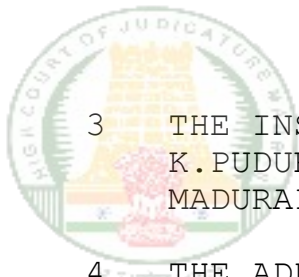
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE II ADDITIONAL SPECIAL JUDGE (FOR NDPS ACT CASES), MADURAI

2 THE SUPERINTENDENT

<https://hcservices.ecourts.gov.in/hcservices/>
CENTRAL PRISON, MADURAI



3 THE INSPECTOR OF POLICE (LAW & ORDER),
K.PUDUR POLICE STATION,
MADURAI DISTRICT. (IN CRIME NO.544/2013)

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+2. C.C. to M/S. R. VENKATESWARAN Advocate SR.No.26266,26267

SM:CM-MSA:SAR 3:14.7.2017:3P/7C

ORDER
IN
CRL MP (MD) NoS.5819 & 5820 of 2017
IN
CRL A (MD) No.31 of 2017
Date :10/07/2017