

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.09.2017****CORAM:****THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED****Crl.O.P.(MD)No.11502 of 2017**

1.P.Jeyachristy

2.J.Sureshkumar

... Petitioners/Accused No.1&2

Vs.

State through,

The Inspector of Police,

District Crime Branch,

Sivagangai District.

... Respondent/Complainant

PRAYER: The Petition filed under Section 439(1)(b) of Cr.P.C.to modify the order of the learned Judicial Magistrate No.II, Sivagangai in Cr.M.P.No.2296 of 2017 dated 25.05.2017 pertaining to Crime No. 08/2017 on the file of the Respondent police wherein and whereby the Petitioners were directed to abide by conditions amongst others to appear before the respondent police daily at 10.00 A.M for 30 days and to appear on the 1st day of every month until the respondent police files charge sheet in Crime No. 08/2017 on the file of the respondent police.

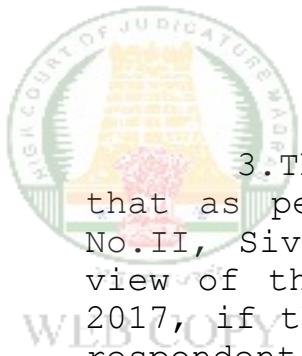
For Petitioners : Mr.A.Kannan

For Respondent : Mr.A.Ramar, APP

ORDER

The Criminal Original petition is filed to modify the order of the learned Judicial Magistrate No.II, Sivagangai in Cr.M.P.No.2296 of 2017 dated 25.05.2017, directing the petitioners to appear before the respondent Police daily at 10.00 am for 30 days and thereafter, they have to appear on the first day of every month until the respondent Police files charge sheet in Crime No.8 of 2017.

2.The learned counsel for the petitioners submitted that a petition in Crl.O.P.(MD)No.8487 of 2017 was filed to quash the case in Crime No.8 of 2017 and this Court by order dated 07.07.2017 in Crl.O.P.(MD)No.8487 of 2017 and Crl.M.P.(MD)No.5736 of 2017 has granted an order of stay of filing of the charge sheet for two weeks and thereafter, interim stay is being extended.



3.The learned counsel for the petitioners further submitted that as per the order passed by the learned Judicial Magistrate No.II, Sivagangai in CrI.M.P.No.2296 of 2017 on 25.05.2017 and in view of the stay of filing of the charge sheet in Crime No.8 of 2017, if the petitioners are allowed continue to appear before the respondent Police, it is much hardship to the petitioners and hence, they seek for modification of the said condition.

4.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

5.Considering the facts and circumstances of the case and also considering the fact that interim stay was granted in respect of further proceedings in Crime No.8 of 2017, this Court is inclined to modify the conditions imposed in CrI.M.P.No.2296 of 2017 dated 25.05.2017. Accordingly, the condition namely, the petitioners have to appear on the first day of every month until the respondent Police files charge sheet in Crime No.8 of 2017 alone is deleted.

6.This Criminal Original petition is ordered accordingly.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II, Sivagangai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

3.The Inspector of Police,
District Crime Branch,
Sivagangai District.

+1cc to Mr.A.Kannan, Advocate in SR.No.76541

nbj

AE/KP/SAR3/20.09.2017/2P/5C

CrI.O.P. (MD)No.11502 of 2017
05.09.2017