



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

WEB COPY

Crl.R.C. (MD) No.252 of 2017

and

Crl.M.P. (MD) No.2237 of 2017

1.Asir Christian @ Asir
2.Devid Kingston @ David

... Petitioners

Vs.

State Rep.by
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi,
Thoothukudi District.

... Respondent

PRAYER: The Criminal Revision Case is filed under Section 39(1) r/w 401 of Cr.P.C., to call for the records in Cr.M.P.No.1111 of 2017 on the file of the learned Judicial Magistrate No.I, Thoothukudi District, and set aside the order dated 02.03.2017.

For Petitioners : Mr.A.Thiruvadi Kumar

For Respondent : Mr.P.Kandasamy, G.A.(Crl.side)

O R D E R

The learned counsel for the petitioners is present. Mr.P.Kandasamy, learned Government Advocate (Crl.side) takes notice for the respondent. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent.

2.It is an admitted a case that a case in Crime No.315 of 2016 under Sections 294(b), 342, 336, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 was registered against the petitioners. The petitioners filed a petition in Crl.O.P.(MD)No.21601 of 2016 for granting Anticipatory Bail before this Court and the same was ordered on 14.11.2016, directing the petitioners to execute sureties and also report before the respondent Police daily at 10.30 a.m. until further orders. Thereafter, the petitioners have executed sureties on 28.11.2016, however, they failed to report before the respondent



Police daily at 10.30 a.m. as ordered by this Court and that the respondent Police filed a petition in CrI.M.P.No.1111 of 2016 under Section 439(2) Cr.P.C. before the learned Judicial Magistrate No.I, Thoothukudi seeking to cancel the bail, in which, notice was ordered and thereafter, the petitioners expressed their inability to report before the respondent Police in view of the assault and high handedness of one Rennis, Sub Inspector of Police attached to the respondent Police, but cancellation of bail was ordered or condoning their absence. It is admitted that the petitioners have not chosen to obtain any direction from this Court for modifying the said condition. Further, the petitioners have not chosen to prefer any complaint as against the said Sub Inspector of Police regarding the alleged threat.

3.The learned counsel for the petitioners submitted that they are prepared to appear before the concerned Court daily.

4.The learned Government Advocate (Crl.side) submitted that he has no objection for granting such relief to the petitioners.

5.Considering the facts and circumstances of the case and considering the submission of the learned counsel for the petitioners the present revision is allowed setting aside the order dated 02.03.2017 passed in CrI.M.P.No.1111 of 2017 by the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi District, and the petitioners are directed to appear before the Judicial Magistrate No.I, Thoothukudi daily at 10.30 a.m., until further orders from the date of receipt of this order.

6.This Criminal Revision Case is ordered accordingly. Consequently, connected CrI.M.P.is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Thoothukudi District.

2.-do-thro'The Chief Judicial Magistrate,
Tuticorin.

3.The Inspector of Police,
SIPCOT Police Station,
Thoothukudi,
Thoothukudi District.



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

+1cc to Mr.A.Thiruvadi Kumar, Advocate, SR.No:14800

nbj

AE/MR/10.04.2017/2P/6C

Cr1.R.C. (MD) No.252 of 2017
15.03.2017