

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26915 of 2018

Suresh Kumar

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Tiruchengode Town Police Station.

....Respondent

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to modify the condition directing the petitioner shall appear before the said Court at 10.30 a.m. daily on working day until further orders on 23.10.2018 in Crl.M.P.No.262 of 2018 in S.C.No.44 of 2018 by the Hon'ble Additional District Sessions Judge at Namakkal.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr. C.Raghavan (Crl.side)
Government Advocate

O R D E R

This petition has been filed seeking for modification of the condition imposed by the Court below, directing the petitioner to appear before the Court at 10.30 a.m. daily until further orders, in a petition filed for re-calling a bailable warrant.

2. The petitioner is facing trial before the Court below in S.C.No.44 of the 2018. The petitioner did not appear for hearing on 12.09.2018 and therefore, the Court below issued a bailable warrant. Thereafter, the petitioner filed a petition in Crl M.P.No.262 of 2018, to re-call the warrant. The Court below, while considering the petition, re-called the bailable warrant on condition that the petitioner should appear before the Court at 10.30.a.m. daily.

3. The learned counsel for the petitioner would submit that the petitioner has been complying with this condition from 24.10.2018 and that the petitioner is not able to go to any job, since he is forced to be present before the Court at 10.30.a.m. daily. Therefore, the petitioner sought for modification of the condition.

4. It is seen from the records that the bailable warrant was issued by the Court below on 12.09.2018 and the petitioner had surrendered before the Court on 23.10.2018 and had filed a petition to re-call the bailable warrant. The Court below after taking into consideration the conduct had re-called the bailable warrant on condition that the petitioner should appear before the Court below at 10.30 a.m. daily. This condition is also being complied by the petitioner from 21.10.2018 onwards.

5. Under normal circumstances, the petitioner ought to have approached the Court below seeking for modification / relaxation of the condition. However, the petitioner has directly approached this Court seeking for modification of the condition. The Sessions Case is of the year 2018. Therefore, this Court is of the considered view, that since the petitioner has been complying with the condition from 24.10.2018 onwards, the condition can be modified.

6. In view of the above, the condition imposed by the Court below is modified to the extent that the petitioner shall appear before the Court below, once in 15 days at 10.30.a.m and also during on the hearing dates.

7. The order of the Court below is modified to the above extent. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

nmm/dss

To

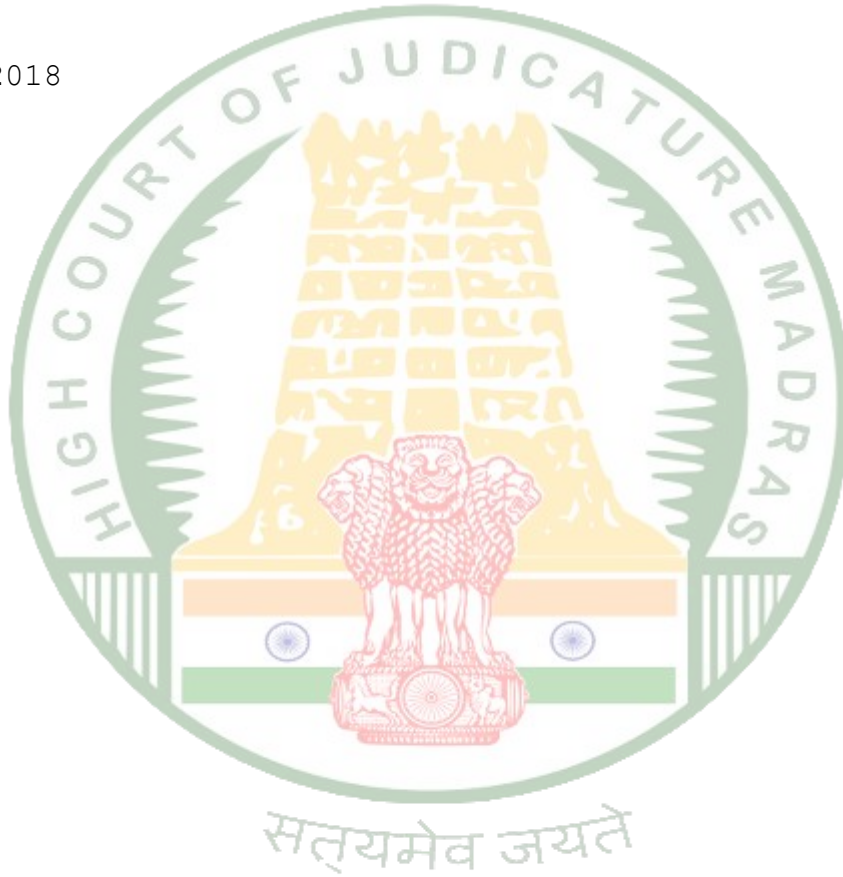
1.The learned Additional District Sessions Judge,
Namakkal.

2.The Inspector of Police,
Tiruchengode Town Police Station.

3.The Public Prosecutor,
Madras High Court, Chennai.

CrI.O.P.No.26915 of 2018

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