



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.10014 of 2017
IN
CRL RC(MD) No.309 of 2017

1 SAGAR BANU
2 SAYTHE BANU
3 BAIROSA BANU
4 MAHRAJ
5 SAHUL HAMEED

... PETITIONERS/PETITIONERS/
PETITIONERS

Vs

KABILA BANU

... RESPONDENT/RESPONDENT/
RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order to relax the condition imposed in Crl.M.P(MD). No.2900/2017 in Crl.R.C.(MD).No.309/2017 dated 19/06/2017.

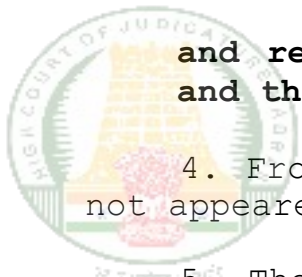
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.KANNAN, Advocate for the petitioners and of MR.V.THIRUMAL, Advocate for the Respondent the court made the following order:-

In Crl.M.P.(MD)No.2900 of 2017 in Crl.R.C.(MD)No.309 of 2017, this Court, by order dated 19.06.2017, granted revision bail to the petitioners on condition that the petitioners should appear before the learned District Munsif -cum- Judicial Magistrate, Ilayangudi at 10.30 a.m., on the first working day of every month. The present petition has been filed by the petitioners for relaxing the aforesaid condition.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondent.

3. The learned District Munsif -cum- Judicial Magistrate, Ilayangudi has sent a report dated 16.11.2017, wherein he has stated as follows:

"I humbly submit that the Accused Sagar Banu(A1), Saythe Banu(A2), Bairosa Banu(A3), Mahraj (A4) and Sahul Hameed(A5) are concerned in C.C.No.1/2011 on the file District Munsif cum Judicial Magistrate's court, Ilayangudi has not appeared and signed before this court on 3.10.2017



**and reported this Court on 01.8.2017, 1.9.2017, 1.11.2017
and this report is submitted as per the reference no.2."**

4. From the above report, it is seen that the petitioners have not appeared before the learned Magistrate on 03.10.2017.

5. The learned counsel for the petitioners submitted that the first petitioner had suffered serious heart ailment and, therefore, she was not able to appear before the learned Magistrate. As regards the other petitioners, the learned counsel submitted that they were taking care of the first petitioner in the hospital.

6. The reason given by the learned counsel for the petitioners does not cut-ice with this Court. It is the duty of the petitioners to comply with the conditions imposed by this Court, especially, in matters relating to appeal bails and revision bails. After all, the petitioners have been directed to appear only once in a month and even if, on that date, the petitioners are not able to appear, it cannot be countenanced. In such view of the matter, this Petition is dismissed with liberty to the petitioners to appear before the Trial Court, as directed by this Court in the order dated 19.06.2017. On any date, if any petitioner is not able to appear, liberty is given to file an application under Section 317 of the Code of Criminal Procedure giving reasons for his/her absence. The petitioner, whose absence has been condoned, shall appear before the Trial Court on any other day, as directed by the Trial Court, in lieu of the date of his/her absence.

sd/-
02/01/2018

/ TRUE COPY /

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

SML
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILAYANGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SESSIONS JUDGE, SIVAGANGAI.

+1. C.C. to M/S.V.THIRUMAL Advocate SR.No.92

GJM/CM/VR/SAR-2-5.1.18-2P-5C

ORDER
IN
CRL MP (MD) No.10014 of 2017
IN
CRL RC (MD) No.309 of 2017
Date :02/01/2018