



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

Friday, the Sixth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2541 of 2018
IN CRL A(MD) No.165 of 2015

1 SASI @ SASI KUMAR
2 GNANAMMAL

... PETITIONERS/PETITIONERS/
APPELLANTS

Vs

THE STATE OF TAMIL NADU REPRESENTED BY
THE INSPECTOR OF POLICE
KUZHITHURAI POLICE STATION, KUZHITHURAI,
KANYAKUMARI DISTRICT
(CRIME NO.474 OF 2008)

... RESPONDENT/RESPONDENT/
RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to relax the condition imposed by this Honourable Court by its order dated 31.07.2015 in M.P.(MD).No. 1 of 2015 in Crl.A.(MD).No.165 of 2015 directing us to report before the Judicial Magistrate No.1, Kuzhithurai on the first working day of every English Calender month at 10.30 a.m. until further orders

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.DILIP KUMAR, Advocate for the petitioners and of MR.K.SUYMABULINGA BHARATHI, Government Advocate(Crl.side) on behalf of the Respondent the court made the following order:-

This Court suspended the sentence of imprisonment imposed by the learned Sessions Judge, Fast Track Mahila Court, Kanyakumari at Nagercoil in S.C.No.180 of 2009 dated 09.07.2015, and released the petitioner on bail on 31.07.2015 with certain conditions in M.P.(MD) No.1 of 2015 in Crl.A.(MD)No.165 of 2015, dated 31.07.2015. The petitioners filed Crl.M.P.(MD).No.297 of 2018 in Crl.A.(MD)No.165 of 2015 seeking relaxation and this Court by order dated 18.01.2018 has ordered that the conditions cannot be completely relaxed and permitted the petitioner to file an application under Section 317 Cr.P.C., before the learned Judicial Magistrate No.1, Kuzhithurai, if, on any date, they are not able to appear before the Magistrate, the petitioners should appear before the Magistrate on another date, as directed by the Magistrate.

2. Under the above circumstances, the petitioner filed this CrI. (MP). (MD). No. 2541 of 2018 in CrI.A. (MD) No. 165 of 2015, for relaxation of the condition imposed by this Court in M.P. (MD). No. 1 of 2015 in CrI.A. (MD) No. 165 of 2015 dated 31.07.2015 .

3. It is stated by the learned counsel appearing for the petitioners that the petitioners have been complying with the conditions for the past 2 ½ years, since 01.09.2015. It is stated that the first petitioner is working in Kanyakumari District and the second petitioner is an old lady and they are appearing before the Judicial Magistrate regularly and thus the condition may be relaxed totally.

4. The learned Government Advocate (CrI. Side) appearing for the respondent stated that the petitioners were convicted by the trial Court and this Court suspended the sentence imposed by the trial Court on certain conditions. The condition is only to appear before the learned Judicial Magistrate No. I, Kuzhithurai, once in a month, on the first working day of every English Calendar month. The first petitioner is working in Kanyakumari District and the parties are appearing before the Judicial Magistrate No. 1, Kuzhithurai and therefore the conditions imposed by the Court need not be relaxed.

5. Considering the fact that liberty given to the petitioners to file a petition under Section 317 Cr.P.C., the condition imposed by this Court for the first petitioner cannot be relaxed and considering the submissions made by the second petitioner and considering her age, the condition imposed on the second petitioner is totally relaxed and the second petitioner is directed to appear before the learned Judicial Magistrate No. 1, Kuzhithurai, as and when required by the learned Judicial Magistrate, till the disposal of the appeal. The first petitioner shall comply with the conditions, as per the order dated 18.01.2018.

sd/-

06/04/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO. I, KUZHITHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE
KUZHITHURAI POLICE STATION, KUZHITHURAI, KANYAKUMARI DISTRICT



4 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT,
KANYAKUMARI AT NAGERCOIL

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

+1. C.C. to M/S.N.DILIP KUMAR Advocate SR.No.5695

ORDER
IN
CRL MP (MD) No.2541 of 2018
IN
CRL A (MD) No.165 of 2015
Date :06/04/2018

SMA/RR-CSL/RNB/18.04.2018:2P/7c