



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Cr1.O.P.(MD)No.5521 of 2018

1.S.Deivakani
2.E.Varatharajan
3.S.Balaji
4.N.Viji @ Vijayalakshmi ... Petitioners/Petitioners
Vs.

The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City. ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of the Code of Criminal Procedure, to issue a direction for modification of stringent condition No.'b' of the Principal Sessions Judge Order in Cr.M.P.No.1459 of 2018 dated on 12.03.2018 and to modifies said the condition to Judicial Magistrate Court No.1, Tirunelveli or Inspector of Police before Palayamkottai Police Station, Palayamkottai.

For Petitioners : Mr.V.Balasubramanian

For Respondent : Ms.M.Anantha Devi
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed by the petitioner seeking to issue a direction for modification of stringent condition No.'b' of the Principal Sessions Judge Order in Cr.M.P.No.1459 of 2018 dated on 12.03.2018 and to modifies said the condition to Judicial Magistrate Court No.1, Tirunelveli or Inspector of Police before Palayamkottai Police Station, Palayamkottai.

2.Heard both sides.

3.By the order impugned in this Criminal Original Petition, the learned Principal Sessions Judge, Tirunelveli has imposed a condition that the petitioners/accused should sign before the learned Judicial Magistrate No.I, Madurai daily twice i.e., at 10.30 a.m., and 05.00 p.m., until further orders and on holidays of the Court, they should appear before the Assistant Commissioner of Police, Anna Nagar, Madurai, daily twice i.e., at 10.30 a.m., and 05.00 p.m., until further orders of this Court.



4.The learned counsel appearing for the petitioner submitted that the defacto complainant borrowed a sum of Rs.2,00,000/- from the first petitioner and paid interest at the rate of 10% per annum. Since the defacto complainant has not paid the said amount, the first petitioner has filed a Civil suit before the Principal District Munsif Court, Tirunelveli for recovery of money and the same is pending. The defacto complainant did not appear in the said Court.

5.The Government Advocate (crl.side) submitted that totally four accused involved in this case and nobody sustained injury and the petitioners have no previous cases against them.

5.Considering the fact and circumstances of the case, this Criminal Original Petition is allowed and the condition imposed by the learned Principal Sessions Judge, Tirunelveli, in Cr.M.P.No.1459 of 2018, dated 12.03.2018, is modified to the effect that the petitioners shall appear before the respondent police as and when required for interrogation.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1.The learned Principal Sessions Judge, Tirunelveli.

2.The Assistant Commissioner of Police,
Anna Nagar, Madurai

3.The Judicial Magistrate No.I, Tirunelveli

4.The Judicial Magistrate No.I, Madurai

5.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

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

+1cc to Mr.V.Balasubramanian, Advocate, SR.No.5958

Cp

RL/8C/2P/KK/SAR2/20/4/2018

Cr1.O.P. (MD) No. 5521 of 2018