



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD).No.8540 of 2018
and
Crl.M.P(MD) No.3827 of 2018

1.Syed Ibrahim
2.Satham Hussain

... Petitioners/Petitioners

Vs.

1.Syedsamusugani ... Respondent No.1/ De facto Complainant
2.The State Rep. by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.248 of 2017) ... Respondent No.2/Complainant

PRAYER: Criminal Original Petition filed under Section 439(2) of the Criminal Procedure Code, to set aside the order passed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.No.719 of 2018 dated 27.04.2018.

For Petitioners	: Mr.A.Uthyakumar
For R1	: Mr.Lakshmi Shankar for Ms.K.M.Priscilla Jancy
For R2	: Mr.A.Robinson, Government Advocate(Crl.side).

O R D E R

The petitioners are accused in Crime No.248 of 2017 on the file of the Inspector of Police, Abiramam Police Station, Ramanathapuram District. The case has been registered under Sections 341 and 302 of I.P.C. The petitioners were granted bail originally, but it was cancelled by an order dated 27.04.2018 by the learned Principal District and Sessions Judge, Ramanathapuram, taking note of the allegation that they have threatened the witnesses and also taking note of the serious nature of the allegation made against the petitioners herein, who are accused in some other serious cases. The learned Principal District and Sessions Judge, Ramanathapuram has cancelled the bail, that was granted in their favour earlier. The same is questioned in this Criminal Original Petition.



2.The case in Crime No.248 of 2017 was registered on 14.12.2017. The petitioners were granted bail on 24.01.2018. The petitioners are said to have threatened the witnesses on 27.01.2018 and again on 21.03.2018. In that regard, criminal cases were registered against them and they were also arrested and granted bail.

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3.This Court is of the view that the interest of justice would be served by directing the learned Judicial Magistrate, Kamuthi to conclude the committal proceedings within a period of four weeks from the date of receipt of a copy of this order. The learned Trial Judge is also directed to conclude the entire trial within a period of six months from the date, when the case is committed to the Sessions Court. The petitioners shall appear before the Inspector of Police, Abiramam Police Station daily at 11.30 a.m. till the entire trial gets over. It is made clear that the petitioners are not entitled to apply for any relaxation. It is also made clear that the direction that the petitioners should appear before Abiramam Police Station daily, is issued only to give a sense of assurance and comfort to the de facto complainant and his family members. This would also ensure that the petitioners shall remain under the radar of the police and at the same time, the police are also strictly instructed not to harass the petitioners. The petitioners shall come to the police station around 11.30 a.m. daily and after signing in the notebook, they shall leave the police station premises. The petitioners shall not be detained.

4.The order impugned is set aside and the criminal original petition is allowed on the above terms. Of course, the petitioners need not comply with these conditions, when they are required to appear elsewhere. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal District and Sessions Judge,
Ramanathapuram.

2.The Judicial Magistrate, Kamuthi.

3.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.



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

+1cc to M/S.A.Uthyakumar, Advocate SR.No. 68603

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and
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19.06.2018

cp/das
JM/SKN RSK/SAR 4/06.07.2018/3P/6C