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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 19.06.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.R.C. (MD) No.321 of 2018
and
Crl.M.P. (MD) .No.4402 of 2018

Shanmuganathan

... Petitioner/A-4

Vs.

State through
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District,
Crime No.124 of 2017.

... Respondent/Complainant

PRAYER: Criminal Revision Petition is filed under Section 397, r/w 401 of Cr.P.C., to call for the records relating to the order passed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.No.93 of 2018 in Crime No.124 of 2017 dated 17.01.2018 set aside the same.

For Petitioner	: Mr.C.Susikumar
For Respondent	: Mr.K.Suyambulinga Bharathi
	Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition is filed against the order passed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.No.93 of 2018 in Crime No.124 of 2017 dated 17.01.2018.

2. The case was registered against the petitioner/4th accused and the other accused in Crime No.124 of 2017, under Sections 147, 148, 506(ii), 365 IPC @ 147,148, 294(b), 323, 324, 365 IPC r/w 3(1) (x) of Scheduled Caste and Scheduled Tribes Act, 1989. The petitioner/4th accused filed a bail petition in Crl.M.P.No.2527 of 2017 before the learned Principal District and Sessions Judge, Ramanathapuram and the same was allowed on 12.10.2017. The petitioner/4th accused was granted bail on condition that he has to



appear before the Thallakulam Police Station, Madurai, daily at 10.00 a.m and 5.00 p.m until further orders. The petitioner/4th accused was complying with the condition from 23.10.2017 to 6.11.2017. After that, he failed to appear before the respondent police. Thereafter, a petition to cancel the bail was filed by the respondent police in Cr.M.P.No.93 of 2018 and the same was allowed by the learned Principal District and Sessions Judge, Ramanathapuram, cancelling the bail granted to the petitioner herein. In the said circumstances, the petitioner is before this Court.

3. Heard Mr.C.Susikumar, learned counsel appearing for the petitioner and Mr.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

4. On the side of the petitioner, it is stated that the petitioner has complied with the condition from 23.10.2017 to 06.11.2017 for 15 days and due to his ill-health, he could not appear before the respondent police and the other accused in this case have not abided the condition even for a single day. However, without verifying the records, the learned Principal District and Sessions Judge, Ramanathapuram, cancelled the bail for all the accused, including this accused.

5. On the side of the respondent, it is stated that the petitioner has not filed any petition for relaxation of the condition before the Trial Court and therefore, the present Criminal Revision case is liable to be dismissed.

6. I have considered the above submissions.

7. On a perusal of the records received from Thallakulam Police Station, Madurai, it is known that the accused 1,2 and 5 have come out on bail and they did not appeared before the respondent police not even for a single day. Though the petitioner appeared before the respondent police from 23.10.2017 to 06.11.2017, thereafter he did not appear before the respondent police. The petitioner/4th accused has not produced any document to show that he was ill and therefore he could not appear before the respondent police.

8. The bail was granted only on 12.10.2017. The petitioner was absent from 06.11.2017. No documents are filed to prove that the petitioner was having ill-health during the relevant period. In <https://hdcse.courts.gov.in/services>, the reason stated by the petitioner is not satisfactory and there is no ground to interfere with the order



passed by the lower Court.

9. Hence, this Criminal Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Ramanathapuram.
2. The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SJI

RJ/TE/SAR-3 : 12/07/2018 : 3P/4C

Cr1.R.C. (MD) No.321 of 2018
and
Cr1.M.P. (MD) .No.4402 of 2018
19.06.2018