



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

Wednesday, the Twenty Fifth day of July Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) Nos.5526 to 5529 of 2018
IN
CRL A(MD) No.125 of 2008

ANANDAN	... PETITIONER/1 st APPELLANT IN CRL MP(MD)No.5526/18 IN CRL A(MD)No.125 of 2008
ARUN	... PETITIONER/3 rd APPELLANT IN CRL MP(MD)No.5527/18 IN CRL A(MD)No.125 of 2008
GANESAN	... PETITIONER/2 nd APPELLANT IN CRL MP(MD)No.5528/18 IN CRL A(MD)No.125 of 2008
PRABHAKARAN	... PETITIONER/4 th APPELLANT IN CRL MP(MD)No.5529/18 IN CRL A(MD)No.125 of 2008

Vs

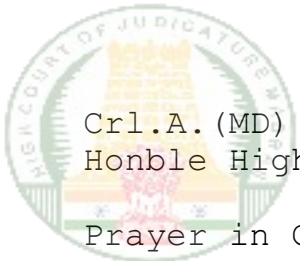
STATE REP BY
THE INSPECTOR OF POLICE
THIRUMAYAM POLICE STATION,
PUDUKKOTTAI
CRIME NO.13/2007

... RESPONDENT/RESPONDENT
IN ALL THE PETITIONS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to condone the absence of the Petitioner on 01.04.2008, 01.07.2009, 01.12.2011, 02.05.2012, 01.08.2012, 01.09.2012, 01.10.2012 and 01.03.2017 and permit the Petitioner to report before the Respondent Police further in order to comply the condition imposed in M.P.(MD) No.1 of 2008 in Crl.A.(MD) No.125 of 2008 dated 06.03.2008 on the file of this Honble High Court

Prayer in CRL MP(MD). 5527/ 2018 :

To condone the absence of the Petitioner on 02.05.2012, 01.08.2012, 01.09.2012, 01.10.2012, 01.03.2017 and 01.11.2017 and permit the Petitioner to report before the Respondent Police further in order to comply the condition imposed in M.P.(MD) No.1 of 2008 in



Crl.A.(MD) No.125 of 2008 dated 06.03.2008 on the file of this Honble High Court

Prayer in CRL MP(MD). 5528/ 2018 :

To condone the absence of the Petitioner on 01.12.2011, 01.02.2012, 02.05.2012, 01.08.2012, 01.09.2012, 01.10.2012 and 02.01.2018 and permit the Petitioner to report before the Respondent Police further in order to comply the condition imposed in M.P.(MD) No.1 of 2008 in Crl.A.(MD) No.125 of 2008 dated 06.03.2008 on the file of this Honble High Court

Prayer in CRL MP(MD). 5529/ 2018 :

To condone the absence of the Petitioner on 01.03.2010, 02.05.2012, 01.08.2012, 01.09.2012, 01.10.2012, 01.03.2017 and 02.01.2018 and permit the Petitioner to report before the Respondent Police further in order to comply the condition imposed in M.P.(MD) No.1 of 2008 in Crl.A.(MD) No.125 of 2008 dated 06.03.2008 on the file of this Honble High Court

Prayer in CRL A(MD)No.125 of 2008:

to call for the records and set aside the conviction and sentence passed against the Appellants by the Additional District Judge cum Sessions Judge, Fast Track Court, Pudukkottai in S.C.No.7/2008 dated 18.02.2008 acquit them by giving them benefit of doubt arising out of the prosecution case

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.D.RAMESHKUMAR, Advocate for the petitioner in all the petitions and of MR.A.ROBINSON, Government Advocate for the respondent in all the petitions, the court made the following order:-

Learned counsel appearing for the petitioners / accused is present. Learned Government Advocate (crl.side) appearing for respondent is also present. Petitioners / Accused also appeared in person before this Court, today.

2. The above criminal miscellaneous petitions have been filed to condone the absence of the petitioners before the learned District Munsif cum Judicial Magistrate, Thirumayam, as per the order of this Court in M.P(MD)No.1 of 2008, M.P(MD)No.1 of 2012 and in Crl.M.P(MD)No.11720 of 2017 in Crl.A(MD)No.125 of 2018 respectively dated 06.03.2008, 11.10.2012 and 22.03.2018.

3. Earlier, this Court directed the Registry to issue Notice to the petitioners / appellants for their appearance before this Court. A report was also called for from the concerned Judicial Magistrate regarding compliance of the further condition passed in suspension of sentence by this Court. Further, the matter was directed to be listed on 25.07.2018.

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

4. Pursuant to the order of this Court, a report, dated



25.06.2018, has been received from the learned District Munsif cum Judicial Magistrate, Thirumayam. A glance at the said report reveals the fact that the petitioners / appellant is not complying the conditions imposed by this Court regularly.

5. Today, the above criminal miscellaneous petitions have been filed to condone the absence. The reasons stated by the petitioners for their absence are not acceptable one. These petitions condoning the absence on particular days are highly belated one and are filed only after the receipt of compliance report from the concerned court.

6. Considering the above facts and circumstances of the case and the alleged reasons assigned in the affidavit filed in support of the applications for condoning the absence in the belated stage and in the interest of justice, this Court is inclined to allow the applications on terms. Accordingly, the above Criminal Miscellaneous Petitions are allowed on condition that each petitioner / appellant to deposit a sum of Rs.1000/- (Rupees One Thousand Only) into the Chief Justice Relief Fund, as costs, on or before 06.08.2018.

7. A copy of this order be marked to the Registrar (Judicial) of this Court, for execution of the order relating to costs. In case of failure of the petitioners / accused to deposit the costs imposed, the present Miscellaneous Petitions shall stand dismissed automatically, without any reference to this Court.

8. List the matter on 07.08.2018, for compliance.

sd/-
25/07/2018

/ TRUE COPY /

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

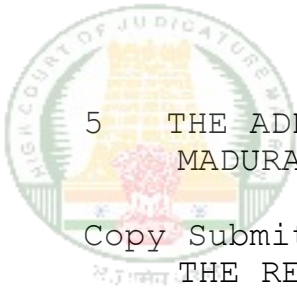
TO

1 THE ADDITIONAL DISTRICT JUDGE CUM SESSIONS JUDGE,
FAST TRACK COURT, PUDUKKOTTAI

2 THE DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, THIRUMAYAM

3 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT

4 THE INSPECTOR OF POLICE
THIRUMAYAM POLICE STATION, PUDUKKOTTAI



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

Copy Submitted to:

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

Copy to:

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER IN
CRL MP (MD) Nos.5526 to
5529 of 2018
IN
CRL A (MD) No.125 of 2008
Date :25/07/2018

SMA/RR/SAR-2/30.07.2018:4P/8c