



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P(MD) No.18307 of 2018

1.T.Rajakumar

2.Girija

... Petitioners

vs.

The State,
represented by its Inspector of Police,
All Women Police Station,
Kuzhithurai,
Kanyakumari District.
Crime No.10 of 2010

...Respondent

Prayer: This Criminal Original filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order passed in Cr.M.P.No.6883 of 2018 dated 21.08.2018 on the file of the Judicial Magistrate No.I, Kuzhithurai so far the condition to appear before the Court daily at 10.00 a.m., until further orders and to pay a cost of Rs.3,000/- each to the legal aid services, Kuzhithurai.

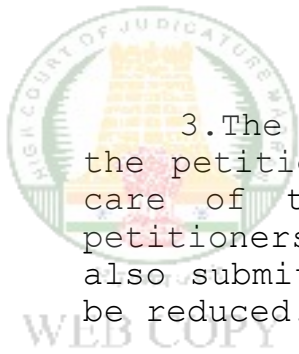
For Petitioners : Mr.S.Sivakumar

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

ORDER

This criminal original petition has been filed challenging the conditions imposed by the Court below in a petition filed by the petitioners to re-call the NBW.

2.The Court below while allowing the petition had imposed the conditions stating that both the petitioners will have to report daily at 10.00 a.m., before the Court and both the petitioners will have to pay a sum of Rs.3,000/- each towards cost to the Legal Services Authority, Kuzhithurai.



3.The learned counsel for the petitioner would submit that both the petitioners are residing at Mettupalayam and they have to take care of the child and it will not be possible for both the petitioners to report before the Court below. The learned counsel also submitted that the cost imposed by the Court below should also be reduced.

4.The learned Government Advocate (Crl.Side) would submit that this is the second NBW that was issued against the petitioners. Earlier, NBW was issued in the year 2016 and the same was re-called. Thereafter, the petitioners did not appear before the Court and therefore, subsequent NBW was issued in the year 2018. Therefore, the learned Government Advocate (Crl.Side) would submit that the Court below is right in imposing stringent conditions.

5.Taking into consideration the facts and circumstances of the case, the order of the Court below in so far as imposing cost, is hereby confirmed. In so far as the other condition regarding reporting before the Court below daily at 10.00 a.m., the same is modified in the following manner:

a) the first petitioner shall appear before the Court below once in two weeks on Monday at 10.00 a.m., apart from the hearing dates;

b) the second petitioner shall appear before the Court below during the hearing dates without fail.

6.In the result, this criminal original petition is partly allowed to the extent indicated herein above.

Sd/-

Assistant Registrar(RECORDS)

/True Copy/

Sub Assistant Registrar(CS-III)

TO

1.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+ 1 CC TO Mr.S.SIVAKUMAR , ADVOCATE IN SR No.90498.

MM

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