

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon'ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.149 of 2019

IN CRL.RC.NO.1389 OF 2013

ABDUL GAFFOOR @ BABU

[PETITIONER]

Vs

A.P.SASIKUMAR

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the condition to appear before the learned Judicial Magistrate/Fast Track Court No.2, (Magistrate level), Coimbatore on the first working day of every month at 10.30 a.m. pending revision, as imposed in Para no.5 the order dated 08.11.2013 made in M.P.NO.1 OF 2013 IN CL.RC.NO.1389 OF 2013 on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.N.MANOKARAN Advocate for the petitioner AND OF M/S.A.M.KRISHNAMOORTHY on behalf of the Respondent, , the court made the following order:-

It is seen that the petitioner was convicted and sentenced by the Trial Court under section 138 of the Negotiable Instruments Act, which has been confirmed by the Appellate Court. Challenging which, he filed Crl.RC.No.1389 of 2013 and in M.P.No.1 of 2013, the sentence was suspended and the petitioner was released on bail on condition that he should appear before the Trial Court on the first working day of every month.

2 This petition has been filed to relax the aforesaid condition on the ground that the petitioner has recently underwent a leg surgery, on account of which , he is unable to comply with the said condition. In support of his contention, learned counsel for the petitioner submitted certain medical records.

In the opinion of this Court, there cannot be complete relaxation of the said condition. However, whenever the petitioner is unable to appear before the Trial Court in compliance with the order dated 08.11.2013 in M.P.No. 1 of 2013, liberty is given to the

petitioner to file an application under Section 317 Cr.P.C. through his advocate, giving reasons for his absence. On such application being filed, the Trial Court shall consider the same on merits and pass orders in accordance with law.

-sd/-

07/01/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
FAST TRACK COURT NO.2,
[MAGISTRATELEVEL]COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
CCOIMBATORE[FOR INFORMATION]

C.C. to M/S.N.MANOKARAN Advocate on payment of necessary charges SR.NO.

C.C. to M/S.A.M.KRISHNAMOORTHY Advocate on payment of necessary charges SR.NO.325

Order

in
CRL MP.149/2019

IN CRL.RC.NO.1389 OF 2013

Date :07/01/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 11/01/2019