

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. SATHYANARAYANAN

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.4447 OF 2019

IN CRL.A.NO.438 OF 2018

KALAIMANI

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP BY [RESPONDENT]

THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.492 OF 2010.

Petition praying that in the circumstances stated therein the High Court will be pleased to relax the bail condition that the petitioner shall appear before the court of learned Additional District Sessions Court (Fast Court), Arni, Thiruvannamalai District on the first working day of every month at 10.30 am., until further orders imposed on the petitioner in CRL.MP.NO.10012 of 2018 in CRL.A.NO.438 of 2018 dated 25/09/2018

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.V.R.APPASWAMEE, Advocate for the petitioner and of MR.R.PRATHAP KUMAR ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

[Order of the Court was made by M.SATHYANARAYANAN, J.]

Heard the learned counsel for the petitioner and perused the affidavit filed in support of this petition.

2 Admittedly, the petitioner was convicted and sentenced for the commission of the offence u/s.302 IPC vide judgment dated 07.06.2018 made in SC.No.145/2011 and challenging the same, he filed the above criminal appeal and pending disposal of the same, the substantive sentence of imprisonment imposed upon the petitioner, has been suspended vide order dated 25.09.2018 made in Crl.MP.No.10012/2018 and it appears that the petitioner, subsequently got convicted for a lesser offence and he filed Crl.RC.No.1116/2018 before this court and pending disposal of the same, prayed for

suspension of sentence and he was asked to appear before the Court of Judicial Magistrate, Cheyyar, on the first working day of every month at 10.30 a.m., pending revision.

3 Learned counsel for the petitioner would submit that in the present appeal also, very same condition has been imposed and since the Court in which he has to appear in connection with Crl.RC.No.1116/2018 is located about 40 Kms away and therefore, it is impossible for the petitioner to appear before the said Court and hence, prays for relaxation of the condition.

4 The Court heard the submissions of Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the State.

5 Admittedly, the conviction in SC.No.145/2011 is earlier in point of time. So also the order granting suspension of sentence subject to condition and as such, this Court is not inclined to relax or modify the condition. However, if the petitioner is so advised and if it is permissible under law, he is always at liberty to file an appropriate application in Crl.RC.No.1116/2018 pending on the file of this Court, praying for modification/relaxation of the condition.

6 In the result, the petition is **dismissed** subject to above observation.

-sd/-
01/04/2019

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 ADDITIONAL DISTRICT
SESSIONS COURT, [FAST COURT], ARNI,
THIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERANAMALLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1C.C. to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR NO.6707

Order

in
CRL MP.4447/2019
in
CRL.A.438/2018

Date :01/04/2019

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

MK:04/04/2019



WEB COPY