

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.23664 of 2019

R.Viji @ Vijayakumar

..Petitioner /Accused-2

Vs.

State rep. by
The Sub-Inspector of Police,
Railway Police Station,
Salem.

(Crime No.607/2013)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed on the petitioner by the Principal Sessions Judge, Salem, Salem District in C.M.P.No.1/2019 in C.A.No.139/2019 by order dated 4.7.2019 as "the petitioner is directed to execute a bond in a sum of Rs.20,000/- (Rupees twenty thousand only) with two common sureties each for a like sum to the satisfaction of the Assistant Sessions Judge and Chief Judicial Magistrate, Salem" instead of two Government sureties in CMP.No.1/2019 in CA.No.139/2019 on the file of the Principal Sessions Judge, Salem.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

The petitioner, who had been arrayed as an accused No.2 in Crime No.607/2013 was convicted and sentenced to undergo RI for 7 years and to pay a fine of Rs.1,000/- in default 3 months RI for offence under Section 392 read with 397 IPC and 6 months RI and to pay a fine of Rs.500/- in default 2 months RI for offence under Section 506(ii) IPC in S.C.No.485 of 2016. The Court below has granted suspension of sentence subject to certain conditions. One of the conditions was that the petitioner shall execute a bond for a sum of Rs.20,000/- with Official sureties. Seeking to modify the same, the present petition had been filed.

2.Heard Mr.B.Vasudevan, learned counsel appearing for the petitioner and Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the respondent.

3. Considering the submissions made, I am of the view that the the present petition seeking for modification requires consideration.

4. In the result, the Criminal Original Petition stands allowed. Consequently, the condition imposed on the petitioner in CMP.No.1 of of 2019 in C.A.No.139 of 2019 dated 04.07.2019 directing the petitioner to execute a bond for a sum of Rs.20,000/- with Official sureties shall stand modified as follows:

"the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two common sureties each for a like sum to the satisfaction of the Assistant Sessions Judge and Chief Judicial Magistrate, Salem"

All other conditions imposed in the order dated 04.07.2019 in CMP.No.1 of of 2019 in C.A.No.139 of 2019 shall remain intact.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. Assistant Sessions Judge and Chief Judicial Magistrate, Salem.
2. The Chief Judicial Magistrate, Salem.
3. The Sub-Inspector of Police, Railway Police Station, Salem.
4. The Public Prosecutor, High Court, Madras.

Cr1.O.P.No.23664 of 2019

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nr 25/09/2019