

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.13402 of 2019

IN CRL A.679/2011

1 G.SIVAKUMAR

[PETITIONERS]

2 S.PALANISAM

Vs

THE STATE REP BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,

CBI AND SCB CHENNAI.

CR.NO.RC.3/(S)/95.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to relax the condition i.e, that should report before the concerned Court once in three months i.e on the first working day of that month at 10.30 a.m., until further orders imposed in Crl.M.P.No.1/2011 in Crl.A.No.679/2011 dated 02.11.2011.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.K.GANDHI KUMAR, Advocate for the petitioner and of MR.K.SRINIVASAN, SPECIAL PUBLIC PROSECUTOR FOR CBI CASES on behalf of the Respondent the court made the following order:-

This petition is filed by the petitioner/A1 and A3 seeking to relax the condition imposed on them by this Court in Crl.M.P.No.1 of 2011 in Crl.A.No.679 of 2011 dated 2.11.2011.

2. This Court, vide its order dated 2.11.2011 while suspending substantive sentence of imprisonment imposed on the petitioners pending disposal of the appeal, enlarged them on bail on one of the condition that the petitioners should report before the trial court once in every month on the first working day at 10.30 a.m., until further orders.

3. Learned counsel for the petitioners would contend that the petitioners have been complying with the above said condition regularly for the past eight years without any default. It is further contended that the petitioners have crossed the age of 60 years and they have got retired from service. He would further submit that the 1st petitioner is residing at Pollachi and 2nd petitioner is residing at Salem and both of them had age related ailments and due to their health condition, they find it difficult to comply with the condition further. Hence he seek for relaxation of the above said condition.

4. Learned Special Public Prosecutor, CBI Cases submits that there are several appeals arising out of SC.No.1 of 2008 and the condition imposed on some of the accused, therein, have already been relaxed.

5. Considering the submission of the learned counsel for the petitioners that the petitioners have been complying with the conditions for the past eight years without any default and taking note of the fact that the co-accused in this case have been granted relaxation of the condition, this Court is inclined to relax the condition imposed on the petitioners.

6. Accordingly, the condition that the petitioners shall report before the trial court on every first working day of that month at 10.30 a.m., is modified to the effect that the petitioners shall report before the trial court once in three months on every first working day of the month at 10.30 am. until further orders.

-sd/-

25/09/2019

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 DEPUTY SUPERINTENDENT OF POLICE,
CBI AND SCB CHENNAI.

2 THE PRINCIPAL SESSIONS JUDGE
DHARMAPURI/SPECIAL COURT OF SCHEDULED CASTE
AND SCHEDULED TRIBES
(PREVENTION OF ATROCITIES)

3 THE SPECIAL PUBLIC PROSECUTOR
FOR CBI CASES, HIGH COURT, MADRAS.

+1 C.C. to M/S.K.GANDHI KUMAR Advocate on payment of necessary
charges SR.No.19954

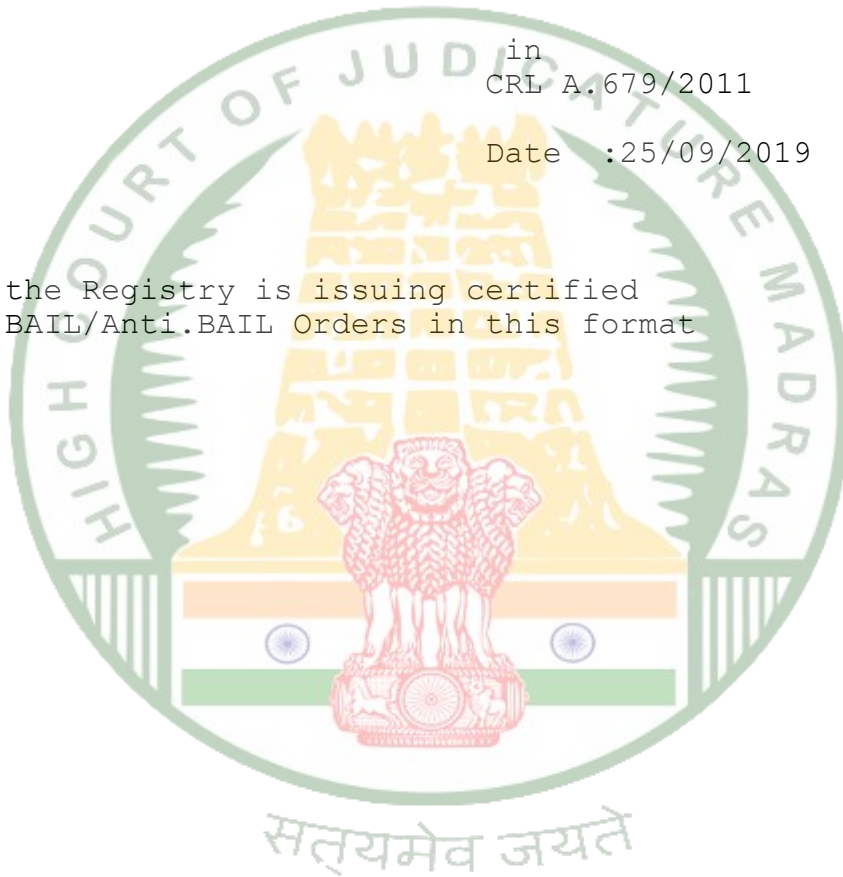
Order

in
CRL MP.13402/2019

in
CRL A.679/2011

Date :25/09/2019

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cs 30/09/2019



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