



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

CRL.O.P.(MD)No.4850 of 2019

WEB COPY

1.Dhanalakshmi
2.Prabakaran
3.Vijayarani
4.Karuppu

: Petitioners

-Vs-

State represented by
The Sub-Inspector of Police,
Guddalur South Police Station,
Theni District.

(Cr.No.2 of 2015)

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code, to set aside the order passed in Cr.M.P.No.968 of 2019 in S.T.C.No.5748 of 2015 pending on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District, dated 02.03.2019, insofar as the imposition of condition directing the petitioners to appear and sign before the learned Judicial Magistrate, Uthamapalayam, Theni District.

For Petitioners
For Respondent

: Mr.P.Gunasekaran
: Mr.V.Neelakandan
Additional Public Prosecutor

O R D E R

The present petition is filed to modify the condition imposed by the learned Judicial Magistrate, Uthamapalayam, Theni District, in Cr.M.P.No.968 of 2019 in S.T.C.No.5748 of 2015 dated 02.03.2019.

2.Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

3.It is a matter, for which the petitioners could have well moved the learned Judicial Magistrate himself or atleast the Session Court, but, instead, he has approached this Court.

4.The learned Counsel for the petitioners submitted that the petitioners are Cooli workers and they travelled nearly 50 kms everyday to comply with the condition, which requires the petitioners to appear everyday before the Court. He also added



that even a modification of condition to appear before the concerned Police Station can be done.

5.It is not that this Court is without power to modify the condition, but, then, this Court also concerns why a petition, such as this, is not even attempted to be filed before the concerned Magistrate first. The condition *per se* may not be termed as onerous, but it can cause some inconvenience to the parties. The petitioner is well advised to approach the Magistrate or atleast concerned Sessions Court to have the condition modified.

6.With the above directions, this petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate, Uthamapalayam,
Theni District.

2.The Sub-Inspector of Police,
Guddalur South Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-58741[F] dated
03/04/2019)

CMR

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