



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

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

Crl.O.P.[MD]No.6095 of 2019

Selvakumar

: Petitioner

/Vs./

The State represented by
The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.
(In Crime No.71 of 2018)

: Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records relating to the dismissal order passed in Crl.R.C.No.34 of 2018 dated 07.02.2019 before the learned IV Additional Sessions Judge, Tirunelveli filed by the petitioner by affirming the order in CR.MP.No.6999 of 2018 in C.C.No.218 of 2018 dated 14.11.2018 on the file of Learned Judicial Magistrate, Sankarankovil and set aside the same.

For Petitioner

: Mr.M.Vivek Kumar

For Respondent

: Mr.V.Neelakandan

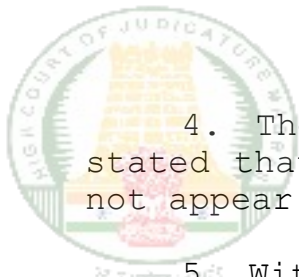
Additional Public Prosecutor

ORDER

This petition is filed to set aside the dismissal order passed in Crl.R.C.No.34 of 2018 dated 07.02.2019 by the learned IV Additional Sessions Judge, Tirunelveli filed by the petitioner by affirming the order in CR.MP.No.6999 of 2018 in C.C.No.218 of 2018 dated 14.11.2018 on the file of Learned Judicial Magistrate, Sankarankovil.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as accused in Crime No.71 of 2018 for offences under Sections 454 and 380 IPC and he was arrested and released on bail. One of the conditions imposed was that he should appear before the concerned police station once daily for 15 days and as he did not comply with the condition, on an application filed by the Investigating Agency, his bail was cancelled. He added that this was unsuccessfully challenged in Crl.R.C.No.34 of 2018 before the learned IV Additional Sessions Judge, Tirunelveli.



4. The learned counsel appearing for the petitioner further stated that since the petitioner was afflicted a Jaundice, he could not appear before the Court and a warrant has been issued.

5. Without getting into the merit of the cause now adduced by the petitioner's counsel for non complying with the condition, this Court chooses to look into the matter in a broader perspective and intends to modify the condition adding additional rigour.

6. Accordingly, the order dated 07.02.2019 passed in Crl.R.C.No.34 of 2018 on the file of the the learned IV Additional Sessions Judge, Tirunelveli, is set aside and the petitioner is now directed to appear and sign before the concerned police station once daily for a period of 30 days from the date of receipt of a copy of this order. If there is any default on the part of the petitioner to appear and sign before the concerned police station, the order dated 07.02.2019 passed in Crl.R.C.No.34 of 2018 on the file of the learned IV Additional Sessions Judge, Tirunelveli, will automatically revive. In view of the order now passed, issuing warrant in CR.MP.No.6999 of 2018 in C.C.No.218 of 2018 dated 14.11.2018 on the file of Learned Judicial Magistrate, Sankarankovil, is also quashed. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The IV Additional Sessions Judge,
Tirunelveli.
- 2.The Judicial Magistrate,
Sankarankovil.
- 3.The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.M.MAHENDRA PRABHU, Advocate SR-62840.

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