



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.04.2019**

CORAM:

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

Crl.O.P.[MD]No.6101 of 2019

Selvakumar : Petitioner/Sole Accused
/Vs./

The State represented by
The Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.
(In Crime No.285 of 2017)

: Respondent/Complainant

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.32 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.6997 of 2018 in C.C.No.225 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.32 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.6997 of 2018 in C.C.No.225 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.285 of 2017 for offences under Sections 457 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.32 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 with 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 CrI.R.C.No.32 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 CrI.R.C.No.32 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.6997 of 2018 in C.C.No.225 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-II)

// True Copy //

Sub Assistant Registrar(CS)

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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.

+1CC TO MR.M.MAHENDRA PRABHU, Advocate Sr. No. 62841

CrI.O.P.[MD]No.6101 of 2019
26.04.2019

DB (CO)