



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.11873 of 2019

WEB COPY

Balapoissollan,
S/o. Balakrishna Pillai, No. 11,
Parthasarathy Street,
Thoothukudi District.

... Petitioner/Petitioner/Accused

Vs

The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District
Crime No. 311 of 2019. ... Respondent/Respondent/Complainant

For Petitioner : M/s. R.Anand,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

PETITION FOR RELAXATION Under Sec.439(1)b of Cr.P.C

PRAYER :-

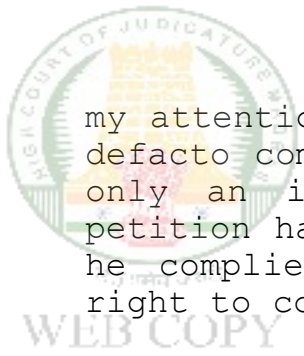
To modify the condition imposed vide Clause (b) and (c) by the Principal Sessions Judge, Thoothukudi District in Cr. M.P. No. 3616 of 2019 order dated 14-08-2019 as by directing the petitioner to appear before the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed challenging the condition No.(b) and (c) imposed by the Principal Sessions Judge, Thoothukudi, while granting the relief of anticipatory bail in favour of the petitioner.

2.The learned counsel appearing for the petitioner submits that an erroneous submission was made by the intervener that the cancellation of settlement deed was already set aside by this Court and that the earlier settlement deed was restored and in that view of the matter, these conditions were imposed.

<https://hcservices.court.gov.in/hcservices> The learned counsel appearing for the petitioner would draw



my attention to the fact that W.P.(MD)No.16597 of 2019 filed by the defacto complainant is very much pending before this Court and that only an interim order was granted therein and that, the writ petition has not been allowed as on date. His grievance is that if he complied with the conditions imposed by the Court below, his right to contest the writ proceedings will be taken away.

4.I am of the view that under no circumstances, the right of the writ petitioner to contest W.P.(MD)No.16597 of 2019 can be taken away, even if he executes an affidavit of undertaking as directed by the learned Judge. In any event, since there is a factual misconception that the cancellation of settlement deed was set aside, I am of the view, in the fitness of things, the petitioner should move the very same learned Sessions Judge. This Court therefore gives liberty to the petitioner to move the learned Principal Sessions Judge, Thoothukudi for modification of the condition imposed by him. This Court has not expressed any opinion on the merits of the modification petition.

5.With this liberty, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal Sessions Judge,
Thoothukudi.

2.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.

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

+1 cc Mr. R.ANAND ,Advocate, SR.No. 14776

CRL OP(MD) No.11873 of 2019

Date : 04/09/2019

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<https://hcservices.ecourts.gov.in/hcservices/>