

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15..05..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.M.P.No.3946 of 2020

in

Crl.M.P.No.18875 of 2019

in

Crl.M.P.No.12323 of 2018

in

Crl.R.C.No.1052 of 2018

Muralikrishnan

... Petitioner

-Versus-

State Rep. by
Its Inspector of Police,
Koradacherri Police Station,
Koradacherri, Tiruvarur District.
[Crime No.263 of 2010]

... Respondent

Petition under Section 482 of Cr.P.C. praying to modify the condition imposed by this court, by order dated 19.12.2019, in Crl.M.P.No.18875 of 2019 in Crl.R.C.No.1052 of 2018 and to direct the petitioner to report before the Judicial Magistrate-I, Coimbatore, instead of reporting before the Court of Judicial Magistrate, Tiruvarur, Tiruvarur District.

For Petitioner : Mr.N.S.Sivakumar

For Respondents : Mr.K.Madhan, GA (Crl.Side)

ORDER

This miscellaneous petition has been filed seeking to modify the conditions imposed on the petitioner in Crl.M.P.No.18875 of 2019 in Crl.R.C.No.1052 of 2018 on 19.12.2019.

2. Heard both sides and also perused the records carefully.

3. The petitioner was convicted under Section 304-A of IPC and sentenced to under go simple imprisonment for two years and to pay a fine of Rs.5,000/- thereunder by judgement dated 13.11.2017 made in C.C.NO.374 of 2012 by the learned Judicial Magistrate, Tiruvarur and on appeal, the conviction and sentence imposed by the trial below was confirmed by judgement in C.A.No.44 of 2017 by the learned Sessions Judge, Tiruvarur, Tiruvarur District. Challenging the same, the petitioner preferred a revision in Crl.R.C.No.1052 of 2018 along with

an application for suspension of sentence and for bail. While suspending the sentence and granting bail to the petitioner, this court by order dated 17.09.2018 in CrI.M.P.No.12323 of 2018, imposed a condition on the petitioner to report before the trial court on the first working day of every month at 10.30 a.m. Though the petitioner had executed sureties, he did not comply with the condition.

4. According to the petitioner, as he had met with an accident and suffered neck fracture and wrist fracture he could not comply with the condition imposed by this court in CrI.M.P.No.12323 of 2018 on 17.09.2018. Therefore, he was constrained to file a petition for relaxation of the condition in CrI.M.P.No.18875 of 2019. However, while refusing to relax the condition, by order dated 19.12.2020, this court modified the condition to the effect that the petitioner should appear before the trial court daily at 10.30 a.m. until further orders. He had, thereafter, complied with the conditions from 20.01.2020 till 02.03.2020. The petitioner further submitted that he stays at Coimbatore on account of his avocation and therefore, he could not stay back at Tiruvarur for complying with the condition and he is prepared to report before the learned Judicial Magistrate-I, Coimbatore, instead of Judicial Magistrate, Tiruvarur. The petitioner further submitted that he find it very difficult to travel to Trivarur, due to Nation wide lock-down due to COVID19 pandemic

5. The learned Government Advocate (Criminal Side), on instructions, submitted that the petitioner had been reporting daily at 10.30 a.m. before the trial court from 20.01.2020 to 02.03.2020.

6. Considering the submissions made on either and having regard to the COVID19 pandemic situation prevailing in the State and the other circumstances, this court is inclined to modify the condition imposed earlier as follows:

(i) the reporting of the petitioner before the learned Judicial Magistrate, Tiruvarur, Tiruvarur District, is dispensed with until December, 2020' and

(ii) thereafter, the petitioner shall report before the learned Judicial Magistrate, Tiruvarur, Tiruvarur District, on the first working day of every English month from January, 2021 onwards until further orders.

This miscellaneous petition is disposed of accordingly with the above directions.

-sd/-

15/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
TIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR(FOR INFORMATION)

3 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE.

4 THE DISTRICT AND SESSIONS
JUDGE, TIRUVARUR

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 INSPECTOR OF POLICE,
KORADACHERRI POLICE STATION,
KORADACHERI, THIRUVARUR DISTRICT.

C.C. to M/S N.S.SIVA KUMAR Advocate on payment of necessary
charges

Order

in

CrI.M.P.No.3946 of 2020

in

CrI.M.P.No.18875 of 2019

in

CrI.M.P.No.12323 of 2018

in

CrI.R.C.No.1052 of 2018

Date :15/05/2020

WEB COPY

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RVR 30/11/2020