

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.05.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.7933 of 2020

Pandian

... Petitioner

Vs.

The State rep. By
The Inspector of Police
Madhavaram Police Station
Thiruvallur District
Cr.No.172/2019

.... Respondent

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 14.05.2020 in CMP No.272/2020 passed by the learned District Munsif cum Judicial Magistrate, Madhavaram and thereby relax the condition directing the petitioner to report before the respondent police.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.K.Prabhakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

This petition has been filed seeking to set aside the order dated 14.05.2020 made in CMP.No.272 of 2020 passed by the learned District Munsif-cum-Judicial Magistrate, Madhavaram and to relax the conditions directing the petitioner to report before the respondent police.

2.The learned counsel for the petitioner would submit that the petitioner is an accused in Cr.No.172 of 2019 registered for the offence under Section 406 and 420 IPC. The petitioner was arrested and thereafter he was released on bail by the learned District Munsif-cum-Judicial Magistrate, Madhavaram with a condition to report before the respondent police daily twice morning and evening, later by an order dated 13.11.2019, the condition was modified to appear before the respondent police on

the first working day of every month until further orders.

3.The petitioner has filed the petition seeking to modify the condition in CrI.MP.No.190 of 2020 before the learned District Munsif-cum-Judicial Magistrate, Madhavaram and the learned judge by an order dated 06.03.2020 directed the petitioner to appear before the respondent police daily at 10.00 a.m for a period of two months. The learned counsel would further submit that thereafter he had filed the petition in CMP No.272 of 2020 seeking for relaxation of the conditions, whereas the learned Magistrate by an order dated 14.05.2020, dismissed the same. The learned counsel for the petitioner would submit that the petitioner is resident of Theni and due to Covid-19 pandemic lock down he is unable to travel from Theni to Chennai and thereby would seek to set aside the order and pray for relaxation of condition.

4.The learned Additional Public Prosecutor appearing for the respondent vehemently oppose the petition, stating that the petitioner has failed to comply with the condition from 06.03.2020 and thereby the learned Judge had dismissed the same. He would further submit though the petitioner claims that he is a resident of Theni and he is un able to travel to Chennai he had travelled all the way to Chengalpet to see his advocate. He would further submit that the co-accused in the case is still absconding and the case property and relevant documents are yet to be recovered.

5.Heard both sides and perused the materials.

6. Though it is seen that the petitioner has not complied with the conditions from 06.03.2020, taking into consideration the extraordinary situation on account of the COVID-19 Pandemic, the petition is allowed and the condition imposed by the learned Magistrate in CMP No.190 of 2020 is suspended till the lock down imposed by the Government is raised by the State and Central Governments. The petitioner shall after one week of lifting of lock down appear before the respondent police daily at 10.00 a.m. for a period of one week and thereafter as and when required.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

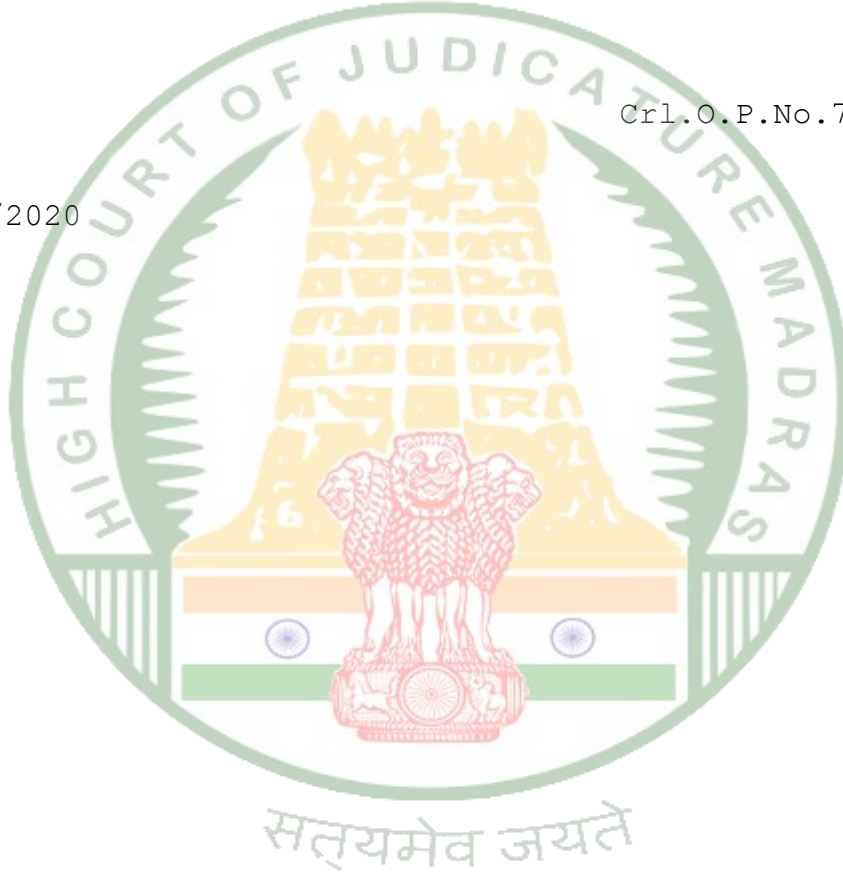
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To.

- 1.The District Munsif cum Judicial Magistrate,
Madhavaram.
- 2.The Inspector of Police
Madhavaram Police station
Thiruvallur District
- 3.The Public Prosecutor
High Court of Madras
Chennai 600 104

Crl.O.P.No.7933 of 2020

SSI (CO)
KKV/15/06/2020



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