

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

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THE HONOURABLE MR. JUSTICE **R.PONGIAPPAN**

Crl.M.P.No.6031 of 2020
in Crl.R.C.No.876 of 2018

Senthilkumar @ Alagar Senthilkumar
Son of Annamalai Petitioner

Vs.

State by
The Inspector of Police,
D5, Marina Police Station,
Chennai.
(Crime No.2249 of 2014)Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. to relax the condition imposed in Crl.M.P.No.9958 of 2018 in Crl.R.C.No.876 of 2018 dated 17.08.2018 in respect of appearance of the petitioner on the first working day of every month at 10.30 a.m. pending appeal.

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The present Criminal Miscellaneous Petition has been filed seeking a relief to relax the condition imposed in Crl.M.P.No.9958 of 2018 in Crl.R.C.No.876 of 2018 dated 17.08.2018 in respect of the appearance of the petitioner on the first working day of every month at 10.30 a.m.

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

3. The petitioner herein is an accused in C.C.No.84 of 2016 on the file of the XIII Metropolitan Magistrate, Egmore at Allikulam. The learned XIII Metropolitan Magistrate found the accused guilty for the offence under Section 506 (1) of I.P.C., and sentenced him to undergo two years of rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to pay the said amount, to undergo simple imprisonment for one month. Similarly, he convicted the petitioner for the offences under Sections 341, 294(b) and 279 of I.P.C. and sentenced him to undergo one month rigorous imprisonment for each offence. The said conviction and sentence has been challenged by the petitioner in Crl.A.No.246 of 2017. By judgment dated 06.07.2018, the learned XVII

Additional City Civil Judge, Chennai, confirmed the same and dismissed the appeal. Aggrieved over the same, the petitioner herein preferred Crl.R.C.No.876 of 2018 and the same is pending before this Court.

4. At the time of passing order in Crl.M.P.No.9958 of 2020 in Crl.R.C.No.876 of 2018, this Court suspended the sentence awarded as above with the condition to appear before the XIII Metropolitan Magistrate on the first working day of every month at 10.30 a.m. Only in the said circumstances, the petitioner herein filed this petition for relaxation of the conditions which have been imposed on 17.09.2018.

5. In respect of the prayer sought for by the petitioner, the learned counsel appearing for the petitioner would submit that the petitioner met with an accident and undergone a surgery, due to which, the Doctor, who treated him, advised for taking rest minimum for three months. Therefore, due to the above-mentioned reason, the petitioner is unable to appear before the XIII Metropolitan Magistrate every month. Accordingly, he prayed to relax the conditions, which have been imposed already.

6. In support of his contention, he has produced a Medical Certificate, which shows that the contention raised by the learned counsel for the petitioner is a genuine one.

7. In this regard, the learned Additional Public Prosecutor appearing for the respondent police did not raise any serious objection.

8. Accordingly, the petitioner is directed to appear before the XIII Metropolitan Magistrate, Egmore at Allikulam, once in three months.

The Criminal Miscellaneous Petition is ordered accordingly.

11.11.2020

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WEB COPY

To

1. The Inspector of Police,
D5, Marina Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.



WEB COPY

R. PONGIAPPAN, J.

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