



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

Tuesday, the Twenty Ninth day of September Two Thousand Twenty

PRESENT

The Hon'ble Mr. Justice K.KALYANASUNDARAM
and
The Hon'ble Mrs. Justice T.KRISHNAVALLI

CRL MP(MD) No.4520 of 2020 IN
CRL A(MD) No.342 of 2019

R.BALAMURUGAN

... PETITIONER/PETITIONER/
PETITIONER/APPELLANT

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.113 OF 2016)

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition in Crl.MP(MD)No.9904/2019 in Crl.MP(MD) No.6861/2019 in CRL.A(MD)No.342/2019 dated 26.11.2019.

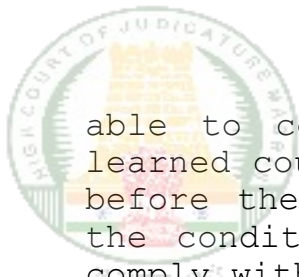
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.S.SAJI BINO, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This application has been filed seeking modification of the condition made in Crl.M.P(MD)No.9904 of 2019 in Crl.M.P(MD)No.6861 of 2019 in Crl.A(MD)No.342 of 2019, dated 26.11.2019, on the file of this Court.

2.It appears that the Petitioner was granted suspension of sentence by this Court on 16.08.2019 on condition that he should daily appear before the IVth Additional Sessions Judge, Chennai at 10.30 a.m., and on holidays before the Flower Bazaar Police Station, Chennai. The said condition was modified by order, dated 26.11.2019 by directing the Petitioner to appear for trial in the Sessions case No.166 of 2011 and on further condition that the Petitioner shall appear before the Flower Bazaar Police Station every Sunday at 11.00 a.m.

3.It is the grievance of the Petitioner that though he had been complying with the condition from 26.11.2019 till 22.03.2020 and after Covid-19 Pandemic and after imposition of lock-down, he is not



able to comply with the condition. It is the submission of the learned counsel for the Petitioner that when the Petitioner appeared before the respondent/Police, he was prevented from complying with the condition. It is also stated that the Petitioner is ready to comply with the earlier condition imposed by this Court.

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4. Based on the counter filed by the respondent, the learned Additional Public Prosecutor submitted that in S.C.No.166 of 2011, all the witnesses have been examined, except the Investigating Officer and the case stands posted to 21.09.2020. Hence the Petitioner may be directed to comply with the earlier condition imposed by this Court on 26.11.2019.

5. Considering the submissions of the learned counsel for the Petitioner, this application is disposed of directing the Petitioner to comply with the condition imposed by this Court in CrI.M.P(MD) No.9904 of 2019 in CrI.M.P(MD) No.6861 of 2019 in CrI.A(MD) No.342 of 2019, dated 26.11.2019.

sd/-

29/09/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1. THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THOOTHUKUDI.
2. THE II ADDITIONAL SESSIONS JUDGE, THOOTHUKUDI.
3. THE IV ADDITIONAL SESSIONS JUDGE, CHENNAI.
4. THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
5. THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
6. THE INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION, THOOTHUKUDI DISTRICT.
7. THE INSPECTOR OF POLICE,
FLOWER BAZAAR POLICE STATION, CHENNAI.
8. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SAJI BINO, Advocate (SR-6691[I] dated 29/09/2020)

ORDER IN

CRL MP(MD) No.4520 of 2020 IN
CRL A(MD) No.342 of 2019

Date : 29/09/2020