



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.11.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.OP(MD)Nos.15956 and 15957 of 2017

(1)Crl.OP(MD)No.15956 of 2017:-

1.Vipin V.Gopalan
2.Shaloof Hassan : Petitioners/A1 and A2

Vs.

The State rep. by
The Inspector of Police,
Cantonment Police Station,
Trichy.
(Crime No.1096 of 2014) : Respondent/Complainant

Prayer in Crl.OP(MD)NO.15956 of 2017:

Criminal Original Petition filed under section 482 of the Criminal Procedure Code, to modify the order, dated 04.11.2017 in Crl.M.P No.5294 of 2017 in C.C No.233 of 2013 on the file of the Judicial Magistrate No.II, Tirchirapalli in so far as imposing the condition that these petitioners shall report daily before the court at 10.00 am and 5.00 pm until further orders.

(2)Crl.OP(MD)No.15957 of 2017:-

1.Vishnu
2.Vijai Sepastin : Petitioners/A2 and A3

Vs.

The State rep. by
The Inspector of Police,
Cantonment Police Station (Law & Order)
Trichy.
(Crime No.1096 of 2014) : Respondent/Complainant



Prayer in Crl.OP(MD)No.15957 of 2017:

Criminal Original Petition filed under section 482 of the Criminal Procedure Code, to modify the order, dated 25.09.2017 in Crl.M.P No.4639 of 2017 in C.C No.233 of 2013 on the file of the Judicial Magistrate No.II, Tirchirapalli in so far as imposing the condition that these petitioners shall report weekly once every Monday before the court at 10.00 am until further orders.

For Petitioners : Mr.S.Ramakrishnan
for Mrs.B.Jameel Arasu

For Respondent : Mr.R.Anandharaj
Addl. Public Prosecutor

COMMON ORDER

(Thro' VC)

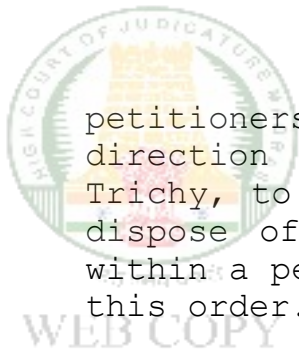
These Criminal Original Petitions are filed seeking for a direction to modify the condition imposed on the petitioners by the trial court.

2.The petitioners were charged for the offence under sections 294(b), 323, 324, 326 and 506(I) and (II) IPC and in this connection, a case in Crime No.1096 of 2012 was registered by the respondent police and it was taken on file by the Judicial Magistrate No.2, Trichy, in CC No.233 of 2013. On 22.12.2016, when the case was taken up for hearing before the trial court, the petitioners have not appeared the court for hearing and hence, NBW issued against the petitioners. The petitioners surrendered before the Judicial Magistrate No.II, Trichy and filed petitions to recall NBW in Crl.MP Nos.4639 and 5294 of 2017 and the petitions were allowed with certain conditions. Aggrieved by the condition imposed by the trial court, the petitioners are before this court with these petitions as stated above.

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent submitted that before the trial court, trial has commenced and now the case is posted for the examination of Investigating Officer.

4.On the other hand, the learned counsel appearing for the petitioners submitted that since, the trial has already commenced before the trial court, suitable direction may be given to dispose of the case within a short span of time.

5.Keeping in view the facts of this case and also considering the submissions made by the learned counsel appearing for the



petitioners, these criminal original petitions are dismissed with a direction to the trial court namely the Judicial Magistrate No.II, Trichy, to post the case in CC No.233 of 2013 on day today basis and dispose of the same purely on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar (AE)

// True Copy //

/ /2021
Sub Assistant Registrar (CS-)

To

1. The Judicial Magistrate No.II,
Trichy.
2. The Inspector of Police,
Cantonment Police Station,
Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.

ER

TE : 05/02/2021 : 3P/5C

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