



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

Thursday, the Twenty Third day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice T.RAJA
and

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.11330 of 2019

IN

CRL A(MD) No.323 of 2019

RAJARATHINAM

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
(IN CRIME NO.170/2012)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to relax the condition imposed on the petitioners in Crl.A.(MD). No.323/2019, dated 20.09.2019 and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR. A.V. RAJASEKARAN, Advocate for the petitioner and of MR.R.ANANTHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was delivered by **T.RAJA, J.**]

This petition has been filed seeking to relax the condition imposed on the petitioner by this Court in Crl.M.P.(MD)No.6345 of 2019 in Crl.A.(MD)No.323/2019, on 20.09.2019.

2. The learned counsel appearing for the appellant/petitioner submitted that this Court, on 20.09.2019, while granting an order of suspension of sentence, imposed a stringent condition on the appellant/petitioner herein to stay at Trichy and report before the Cantonment Police Station, Trichy, daily at 10.30 a.m. and 05.30 p.m. until further orders with a further condition that the petitioner shall not to leave the jurisdiction of Tamilnadu without the leave of this Court. It is further submitted by the learned



counsel appearing for the appellant/petitioner that the petitioner has been regularly complying with the condition imposed by this Court. Hence, the petitioner has filed the petition to relax the above condition imposed by this Court.

3. The learned counsel appearing for the petitioner also fairly submitted that the petitioner was unable to comply with the condition on two occasions. On first occasion, he went to the Police Station belatedly, that was not taken into account and on second occasion, he was unable to appear before the Police Station. However, he prayed for allowing this petition.

4. Opposing the above prayer, the learned Additional Public Prosecutor submitted that the appellant/petitioner does not deserve for the grant of any relaxation, for the reason that on two occasions, the petitioner has not chosen to appear before the Cantonment Police Station, Trichy. Further, the petitioner has not explained any reasons for his non-appearance on two occasions. Hence, the petition is liable to be dismissed.

5. We are unable to find any explanation for his non-appearance before the Cantonment Police Station, Trichy. Therefore, in view of the fact that the petitioner has not mentioned any sufficient reasons for his non-appearance on two occasions, this Court is not inclined to entertain this petition. Accordingly, this petition is dismissed.

sd/-
23/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FAST TRACK COURT, KUMBAKONAM.
2. THE JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
4. THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION, KUMBAKONAM,
THANJAVUR DISTRICT.



5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

6 THE INSPECTOR OF POLICE,
THE CANTONMENT POLICE STATION, TRICHY.

7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.11330 of 2019

IN

CRL A(MD) No.323 of 2019

Date :23/01/2020

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AE/JC/SAR-III (04.02.2020) 3P 8C