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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16923 of 2021

Sheik Abdul Khadhar. ... Petitioner/Sole Accused

Versus

The State by Deputy Superintendent of Police,
Udumalai Sub Division,
Tiruppur.
Crime No.718/2020. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside condition imposed in the order dated 31.08.2021 made in C.M.P.No.1434 of 2021 on the file of the Learned Principal District and Sessions Judge, Tiruppur allowing this criminal original petition.

For Petitioners: Mr.R.Prabakar.

For Respondents: Mr.A.Damodharan,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to set-aside the order dated 31.08.2021 in CMP No.1434 of 2021.

2. The petitioner, who is sole accused in Spl.S.C.No.15 of 2020, is facing trial for the offences under Sections 294 (b), 506 (i), R/w 7(1)(a) of Criminal Law Amendment Act and Section 3(1) (r)(s) of SC/ST(POA) Amendment Act.

3. The learned counsel for the petitioner would submit that Non-Bailable Warrant was issued against the petitioner for his non appearance on 18.08.2021. Since he was suffering from sudden illness and bed ridden, neither he appeared before the trial Court nor informed his counsel. Thereafter the petitioner had filed recall petition on 31.08.2021. The trial Court was pleased to recall NBW on condition that the petitioner to appear before the trial Court daily at 10.00 a.m. for 30 days. From 01.09.2021, the petitioner has been



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appearing before the trial Court. Now, almost 20 days over. Due to his appearance before the trial Court, he is unable to carry on his avocation. He would further submit that the petitioner shall appear before the trial Court on all future hearing dates without fail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner has been involved in yet another case of 302 IPC and in that case, he was absconded for 2 years and Subsequently, he was arrested in the present case. Only thereafter, he was produced in that case and bail has been granted in that case. He further submitted that the petitioner has been appearing before the trial Court in the 302 IPC case on all hearing dates.

5. Considering the submissions, and the perusal of the materials, it is seen that the conditional order passed by the Trial Court directing the petitioner to appear before the trial court for 30 days has been substantially complied with and only 10 more days left.

6. In view of the same, the condition imposed by the trial Court on 31.08.2021 in Crl.M.P.No.1434 of 2021 is hereby relaxed and the petitioner to appear before the trial Court on all hearing dates without fail.

7. With the above directions this Criminal Original petition has been disposed of.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

mrp/mdl

To

1. The Principal District and Sessions Judge,
Tiruppur.
2. The Deputy Superintendent of Police,
Udumalai Sub Division,
Tiruppur.
3. The Public Prosecutor,
High Court, Madras-104.

CRL.O.P.No.16923 of 2021

RP (CO)

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GMI (20/09/2021)