



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Nineteenth day of February Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1043 of 2021

in

CRL RC(MD)No.713 of 2019

1 CHINNAN

2 CHANDRAN

... PETITIONERS/PETITIONERS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
BODI TALUK POLICE STATION,
THENI DISTRICT.
CRIME NO.339 OF 2009

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Relax the condition imposed by this Hon'ble Court CRL MP (MD)No.8321 of 2019 in Crl.RC.(MD)No.713 of 2019 dated 6.1.2020.

PRAYER IN CRL MP(MD)No.8321 of 2019 in CRL RC(MD)No.713 of 2019:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in C.C No.6 of 2011 on the file of the Assistant Sessions Court, Theni and confirmed by the judgment in C.A No.69 of 2017 on the file of the Additional District and Sessions Judge(Fast Track), Theni dated 18.01.2019, pending disposal of this Criminal Revision Petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.RM.ARUN SWAMINATHAN, Advocate for the petitioners and of Mr.BHARATHI KANNAN, Government Advocate on behalf of the



Respondent, the court made the following order:-

This petition filed to relax the condition imposed by this Court in Crl.M.P.(MD)No.8321 of 2019 in Crl.R.C.(MD)No.713 of 2019, dated 06.01.2020.

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2.A case was registered against the petitioners in Crime No.339 of 2009 by the respondent police and the same was taken on file as C.C.No.6 of 2011. The petitioners filed a petition in Crl.R.C.(MD) No.713 of 2019 and along with the revision they have filed a petition for suspension of sentence in Crl.M.P.(MD)No.8321 of 2019. On 06.01.2020, this Court allowed the suspension of sentence on certain conditions and one of the condition is that the petitioner has to appear before the trial Court daily twice ie. at 10.30 a.m and 5.00 pm., till the disposal of the revision petition. The petitioners filed this petition for relaxation of that condition.

3.On the side of the petitioners, it is stated that the petitioners have complied the conditions, except during the lock down period. The petitioners filed a petition in Crl.M.P.(MD)No.27 of 2021 for relaxation and that petition was dismissed by this court, without considering the fact that the first petitioner appeared on 28.02.2020 to 20.03.2020 and after the lock down from 15.10.2020 till 24.10.2020, again, from 29.10.2020, 02.11.2020 to 11.11.2020 and then, from 18.11.2020 till 23.12.2020 after that from 28.12.2020 till 18.01.2021. The second petitioner appeared on 04.10.2020 till 11.11.2020 again on 18.11.2020 till 11.01.2021 except the holidays, the petitioners appeared on all dates before the concerned Court, Theni and prayed the condition to be relaxed.

4.On the side of the respondent, it is stated that the petitioners were not regular in their appearance before the trial Court and they violated the condition imposed by this Court and prayed the petition to be dismissed.

5.It is seen that the second petitioner has not signed before the lower Court during the period from February and March - 2020. Even after the lock down, he was absent from 12.11.2020 till 17.11.2020. Admittedly, he has not appeared before the Court on 11.01.2021 onwards.

6.In the above circumstances, the second petitioner is not entitled for the relaxation of condition.

7.The first petitioner failed to appear on 01.03.2020 and after the lock down is lifted from 25.10.2020 till 28.10.2020 and on 30.10.2020, 01.11.2020 and from 12.11.2020 till 17.11.2020, from 24.12.2020 till 27.12.2020. Though the petition was filed on 25.01.2021, admittedly, the first petitioner has not signed from 18.01.2021 onwards. It is clear that the petitioners are not regular in appearing before the Court.



8. In the above circumstances, this Court is not inclined to relax the condition. Since the petitioners have not complied the condition properly, this petition is dismissed.

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sd/-
19/02/2021

/ /2021
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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THENI.
2. THE ASSISTANT SESSIONS JUDGE,
THENI.
3. THE INSPECTOR OF POLICE
BODI TALUK POLICE STATION,
THENI DISTRICT.
4. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP (MD) No.1043 of 2021
in
CRL RC (MD) No.713 of 2019
Date : 19/02/2021

LS
TK/PN/SAR.1/02.03.2021/3P/5C