



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1850 of 2021

1. Beniel
2. Fransis

... Petitioners/Petitioners

Vs

The State Rep. by
The Inspector of Police,
Thiruvattar Police Station,
Thruvattar,
Kanyakumari District
Crime No. 573/2020

... Respondent/Respondent

For Petitioners : Mr.C.Kishore,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

Petition for Modification under Section 439(2) r/w.482 of Cr.P.C

PRAYER :-

To Modify the condition imposed on the Petitioners in Crl.M.P.No.292/2021, dated 19.02.2021, on the file of the Learned Principal Sessions Judge, Kanyakumari District at Nagercoil and permit the Petitioners to appear before the respondent Police Station, Kanyakumari District instead of reporting before the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

ORDER : The Court made the following order :-

This petition has been filed to modify the condition imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P. No. 292/2021 dated 19.02.2021 directing the petitioners to appear and sign before the learned Judicial Magistrate, Valliyur daily twice at 10.30 am., and 5.00p.m., until further orders.



2. The learned counsel for the petitioners would submit that the learned Principal Sessions Judge, Kanyakumari District at Nagercoil has granted anticipatory bail to the petitioners on 19.01.2020 directing the petitioners to appear and sign before the learned Judicial Magistrate, Valliyur daily twice at 10.30 am., and 5.00p.m., until further orders. He would further submit that the petitioners are hailing from Yettacode, which is in Thiruvattur and the occurrence is said to have taken place due to property dispute between the defacto complainant's brother and the petitioners. He would further submit that the first petitioner suffering from sehizoffective disorder and the second petitioner is a retired Head Master aged about 65 years. He has produced the medical records of the first petitioner and the relevant retirement order of the second petitioner. He further submitted that Valliyoor is nearly 100 kms from the residence of the petitioners and it is very difficult for them to travel daily and they have to stay there for a whole day and they are having no relatives or friends to stay in Valliyoor. He further submitted that the first petitioner is a patient and he need some one besides him to take care of him, hence he seeks modification of the said condition.

3. The learned Government Advocate(Crl.Side) would submit that due to some dispute the petitioners attacked the defacto complainant using soda bottles and on considering the same the learned Sessions Judge has passed such order.

4. Considering the submission made by the learned counsel for the petitioners that the first petitioner is a patient and the second petitioner is a retired Head Master aged about 65 years the condition imposed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.292 of 2021, dated 19.01.2021 directing the petitioners to appear and sign before the learned Judicial Magistrate, Valliyur daily twice at 10.30 am., and 5.00p.m., until further orders is alone set aside. All other conditions in the said order shall remain intact.

sd/-

11/02/2021

/ TRUE COPY /

/ /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.



1. THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. THE JUDICIAL MAGISTRATE, VALLIYUR.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
THIRUVATTAR,
KANYAKUMARI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1850 of 2021
Date :11/02/2021

AAV
TE/JC/SAR-I : 16/02/2021 : 3P/6C