



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Tuesday, the Ninth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3512 of 2021

WEB COPY

Mohamed Farook,
S/o. Syed Mohammed Pugari,
Maraykaayapattinam,
Ramanathapuram.

... Petitioner/Petitioner/Accused No.2

Vs

The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.22/14 Celin Garden Roche Colony,
South Beach Road,
Tuticorin.

(In F.No.DRI/CZU/TTNVIII/48/05/INT-01/2020)

... Respondent/Respondent/Complainant

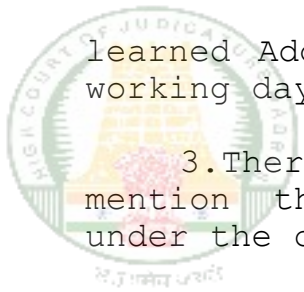
Prayer :-

This petition filed under section 439(1)b of Criminal Procedure Code, to modify the condition imposed by the learned Additional chief Judicial Magistrate, Madurai in Cr.MP.No.76 of 2021 order dt.11.2.2021 and modify the condition as to direct the Petitioners to appear before the learned Additional Chief Judicial Magistrate, Madurai.

ORDER:- This Petition coming on for being mentioned on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S.M.A.Jinnah, Advocate for the Petitioner and of Mr. Arulvadivel @ Sekar, Special Public Prosecutor for the respondent, this Court made the following order:

This petition has been filed to modify the condition imposed by the learned Additional Chief Judicial Magistrate, Madurai in Cr.M.P.No.76 of 2021 dated 11.02.2021 directing the petitioner to appear before the Additional Chief Judicial Magistrate, Madurai daily at 10.00 a.m., for a period of 12 weeks.

2. The learned counsel for the petitioner would submit that the petitioner has to travel 180 kms from his home to comply with the conditions and he had already complied the condition for four weeks from 15.02.2021. No notice was served to the respondent namely Mr.Arul Vadivel @Sekar, Special Public Prosecutor and this Court mistakenly modified the condition directing him to appear before the



learned Additional Chief Judicial Magistrate, Madurai on the first working day of a month from 01.04.2021 onwards.

3. Therefore the learned Special Public Prosecutor had made a mention that no notice was served on him, hence the case is posted under the caption 'for being mentioned'.

4. The learned Special Public Prosecutor would submit that the petitioner is a regular offender and earlier the petitioner was involved in another case and caught red handed while he was attempting to smuggle 14 kg of gold and remanded to judicial custody. Due to covid- 19 situation he was granted bail with a condition to report before the respondent. On 11.12.2020 after complying with the condition he travelled back to Ramanathapuram and attempted to smuggle 9kg of gold and he was caught red handed. In the present case he was granted statutory bail and directed to appear before the Additional Chief Judicial Magistrate, Madurai daily at 10.00 a.m., for a period of 12 weeks. He would also submit that the further interrogation of the petitioner is very much required and hence he may be directed to appear before the respondent.

5. In view of the same, the condition imposed by this court directing the petitioner to appear and sign before the Additional Chief Judicial Magistrate, Madurai daily at 10.00 am., for a period of 12 weeks is modified to the effect that the petitioner shall report before the respondent on every Monday at 10.30 am., for a period of three months. Further the respondent is at liberty to call the petitioner for enquiry if he is required by giving prior notice.

6. Registry is directed to issue fresh order copy to the party concerned.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

1. The Additional Chief Judicial Magistrate,
Madurai.
2. The Senior Intelligence Officer,
Directorate of Revenue Intelligence,
No.22/14 Celin Garden Roche Colony,
South Beach Road, Tuticorin.
(In F.No.DRI/CZU/TTNVIII/48/05/INT-01/2020)



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr. C.Arul Vadivel @ Sekar,
Special Public Prosecutor, SR.No.9860

WEB COPY

ORDER DATED : 09/03/2021

=====

ORDER

=====

CRL OP(MD). No.3512 of 2021

Giving direction and etc.
as stated within.

es (CO)
TR(10.03.2021) 3P 5C