



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

Monday, the Fifteenth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and
The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2054 of 2021
IN
CRL A(MD) No.253 of 2020

SIVAPANDI

... PETITIONER/ PETITIONER/
APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AUNDIPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.552/2009

... RESPONDENT/ RESPONDENT/
RESPONDENT

PRAYER IN CRL MP(MD) No.2054 of 2021:

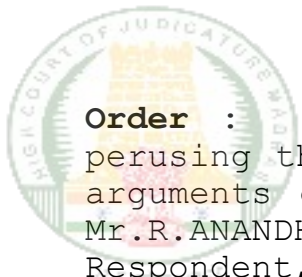
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to relax the condition imposed on the Petitioner in Crl.M.P.(MD) No. 6833 of 2020 in Crl.A.(MD) No.253 of 2020 dated 08.01.2021 on the file of this Honourable Court.

PRAYER IN Crl.M.P.(MD) No. 6833 of 2020:

To suspend the sentence imposed on the petitioner in S.C.No.63 of 2016 dated 21.02.2020 on the file of the Additional District and Sessions Judge (FTC), Theni, pending disposal of the above CRL A(MD) No.253/2020 and thus render justice.

PRAYER IN CRL A(MD) No.253 of 2020:

To set aside the judgment and sentence passed in Sessions Case No.63/2016 dated 21.02.2020 on the file of the Additional District and Sessions Judge(FTC), Theni, convicting the appellant for the offence under section 302 of IPC and sentenced to undergo life imprisonment and imposed a fine of Rs.5000/- in default to undergo a simple imprisonment for one year.



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.V.ILLANCHEZIAN, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

WEB COPY

This petition has been filed seeking relaxation of the condition imposed by this Court in CrI.M.P(MD)No.6833 of 2020 in CrI.A(MD)No.253 of 2020, dated 08.01.2021. This Court while granting suspension of sentence to the petitioner directed him to stay at Sivagangai and appear before the Judicial Magistrate No.II, Sivagangai at 10.30 a.m., on all working days until further orders.

2. The learned counsel appearing for the petitioner would state that the petitioner is the only bread winner of his family consisting of his wife and children. He is also a daily wager and hence, it is very difficult for him to manage the family upon staying at Sivagangai. Further, he is not able to meet out the day-to-day expenses of his family.

3. The learned Additional Public Prosecutor appearing for the respondent would state that the petitioner has been complying with the condition on 25.01.2021 regularly.

4. In the light of the above submissions made by the learned counsels, the condition imposed on the petitioner in CrI.M.P(MD) No.6833 of 2020 in CrI.A(MD)No.253 of 2020, dated 08.01.2021 is modified directing the petitioner to appear before the committal court once in a month i.e., on first working day of every month at 10.30 a.m., until further orders.

5. Accordingly, this petition is ordered.

sd/-
15/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (FTC), THENI.
- 2.THE JUDICIAL MAGISTRATE, AUNDIPATTI.
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



5.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

6.THE INSPECTOR OF POLICE,
AUNDIPATTY POLICE STATION, THENI DISTRICT.

7.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1CC to M/s.V.ILLANCHEZIAN, Advocate (SR-11436[F] dated 16/03/2021)

ORDER

IN

CRL MP(MD) No.2054 of 2021 IN

CRL A(MD) No.253 of 2020

Date :15/03/2021

am

MS/VR/SAR-4/18.03.2021/3P.10C