



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

Thursday, the Twenty Fourth day of June Two Thousand and Twenty One

PRESENT

**The Hon`ble Mr.Justice K.KALYANASUNDARAM
and**

The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD) Nos.4031 and 4033 of 2021

in

CRL A(MD)No.367 of 2020

MUTHALRAJ

... PETITIONER/APPELLANT/ACCUSED
IN BOTH THE PETITIONS

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
CRIME NO. 47 OF 2015.

... RESPONDENT/RESPONDENT/RESPONDENT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD). 4031/ 2021 :

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to condone the non-Compliance of the condition from 11.5.2021 onwards which was imposed by this Honble Court on the Petitioner/Appellant to stay at Salem and appear before the Learned Judicial Magistrate No.2, Salem on all working days at 10.30 a.m. In CRL MP(MD)No.7196 of 2020 in Crl.A(MD)No.367 of 2020 against S.C.No.812 of 2016 on the file of the Learned 1st Additional Sessions Judge, Tirunelveli dated 26.02.2021.

Prayer in CRL MP(MD). 4033/ 2021 :

To relax the condition imposed on the petitioner/appellant to stay at Salem and appear before the Learned Judicial Magistrate No.2, Salem on all working days at 10.30 a.m. in Crl.MP.(MD).No.7196 of 2020 in Crl.A.(MD).No.367 of 2020 against SC.No.812 of 2016 on the file of the Learned 1st Additional Sessions Judge, Tirunelveli dated 26.02.2021.

PRAYER IN CRL A(MD) No.367 of 2020:

To call for records and set aside the order of conviction and sentence dated 30.11.2020 passed by the learned 1st Additional Sessions Judge, Tirunelveli in S.C.No.812 of 2016 for the offence under Section 302 of IPC in 2 counts to undergo Imprisonment for Life (2 Counts) concurrently and to pay a fine of Rs.1,000/- for each count and in default, to undergo 3 months simple imprisonment



and allow this Criminal Appeal in CRL A(MD) No.367 of 2020, acquit the Appellant.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.M.MICHAEL BHARATHI, Advocate for the petitioner in both the petitions and of Mr.S.RAVI, Standing Counsel for the Government on behalf of the Respondent in both the petitions, the Court made the following order:-

(Order of the Court was made by K.KALYANASUNDARAM.,J)

These petitions are filed to condone the non-compliance of the condition from 11.05.2021 onwards, which was imposed on the petitioner, to stay at Salem and appear before the learned Judicial Magistrate No.II, Salem, on all working days at 10.30 a.m., and to relax the said condition.

2. While granting suspension of sentence, the petitioner was directed to stay at Salem and report before the Judicial Magistrate No.II, Salem, on all working days at 10.30 a.m., until further orders.

3. The learned counsel for the petitioner Mr.Michael Bharathi, would submit that the petitioner came out from jail only on 17.03.2021 and started complying the condition from 18.03.2021. According to the learned counsel, the petitioner complied the condition till 07.05.2021. Subsequently, due to lock down imposed by the Government, the condition could not be complied with, however he has not gone to his native place, but staying in his daughter's house at Sithanayakkanpatti which comes under the jurisdiction of M.Puthupatti Police Station.

4. Mr.S.Ravi, learned Standing counsel appearing for the respondent has not disputed the fact that the petitioner complied the condition from 18.03.2021 to 07.05.2021.

5. In the light of the prevailing situation and also considering the facts of this case, the petitioner is hereby directed to reside in his daughter's house at Sithanayakkanpatti and report before the Inspector of Police, M.Pudupatti, Virudhunagar District, daily at 10.00 a.m. until further orders.

6. Both the petitions are ordered accordingly.

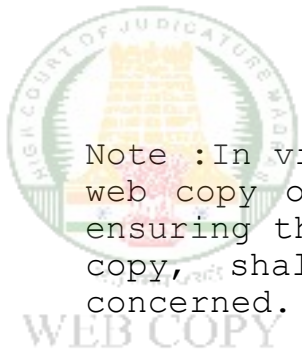
sd/-

24/06/2021

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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 1ST ADDITIONAL SESSIONS JUDGE, TIRUNELVELI.
2. THE JUDICIAL MAGISTRATE NO.II, SALEM.
- 3.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT.
- 4.THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI, TIRUNELVELI.
- 5.THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TENKASI DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
M.PUDUPATTI, VIRUDHUNAGAR DISTRICT.

ORDER

IN

CRL MP(MD) Nos.4031 and 4033 of 2021
in

CRL A(MD)No.367 of 2020

Date :24/06/2021

akv

AE/VR/SAR-1V/30.06.2021/3P/8C