



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

Thursday, the Twelfth day of August Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN
and
The Hon'ble Mrs.Justice J.NISHA BANU

Crl.MP (MD) No.5754 of 2021
in
CRL A[MD] No.367 of 2020

MUTHALRAJ

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION.
(CRIME NO.47 OF 2015).

... 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 on the petitioner / appellant that to stay at his daughters house at Sithamannayakkanpatti Village in Virudhunagar district and to report before the Inspector of Police, M.Puthupatti P.S. in Virudhunagar District until further orders in Crl.MP(MD) No.4033 of 2021 dated 24.6.2021 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.

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 : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.MICHAEL BHARATHI, Advocate for the petitioner and of Mr.S.RAVI, Standing Counsel for state on behalf of the Respondent, the court made the following order:-



[Order of the Court was made by V.BHARATHIDASAN, J.]

The petitioner has filed this petition seeking to relax the condition imposed by this Court, vide order dated 24.06.2021 in Crl.M.P(MD)No.4033 of 2021 in Crl.A(MD)No.367 of 2020.

2. The learned counsel appearing for the petitioner would submit that earlier this Court while suspending the sentence, imposed a condition that the petitioner should stay at Salem and appear before the learned Judicial Magistrate No.II, Salem, at 10.30 a.m., on all working days. Subsequently, the said condition has been modified by this Court, vide order dated 24.06.2021 passed in Crl.M.P(MD)No.4033 of 2021, directing the petitioner/appellant to stay at his daughter's house at Sithamannayakkanpatti Village in Virudhunagar District and to report before the Inspector of Police, M.Pudupatti, Virudhunagar District, daily at 10.00 a.m., until further orders. He would further submit that the petitioner has been complying with the condition regularly and he is an agriculturist and nobody is there to look after his lands and cattle. Therefore, the condition imposed on the petitioner may be relaxed

3. Mr.S.Ravi, learned Standing Counsel appearing for the State, on instructions would submit that the petitioner is complying with the condition regularly.

4. We have heard the submissions made on either side and perused the materials.

5. Considering the submissions made by the learned counsel for the petitioner, the condition imposed on the petitioner, is modified to the effect that the petitioner shall appear before the trial Court at 10.30 a.m., on the first working day of every English calendar month until further orders.

sd/-
12/08/2021

/ TRUE COPY /

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

TO

1. THE 1ST ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.

<https://hcservices.ecourts.gov.in/hcservices/>



2. THE JUDICIAL MAGISTRATE NO.II,
SALEM.
3. DO-THROUGH : 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
CrI.MP(MD)No.5754 of 2021
in
CRL A[MD]No.367 of 2020
Date :12/08/2021

pm
USK/JC/SAR-I : 17/08/2021 : 3P/8C