



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of January Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.166 of 2022

IN CRL.A.No.520 of 2021

PACHIAPPAN

[PETITIONER / APPELLANT]

Vs

STATE REP BY
INSPECTOR OF POLICE,
METTUR ALL WOMEN POLICE STATION,
METTUR DAM,
SALEM DISTRICT.
CRIME NO.5 OF 2018.

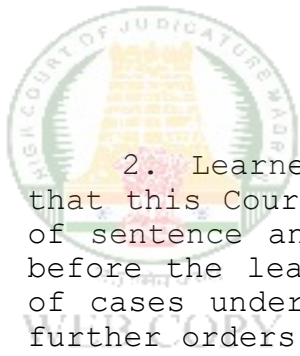
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the condition imposed upon the petitioner in Crl.M.P.No. 12139 of 2019 in Crl.A. 520 of 2021 vide order dated 10.12.2021 passed by this Hon`ble Court in respect of the condition that the petitioner on his release from prison shall stay at Salem and appear before the learned Sessions Judge, Special Court for Exclusivie Trial of Cases under Pocso Act, Salem on every Monday at 10.30. a.m., until further orders. It is made clear; the petitioner shall not enter into the jurisdiction limits of the respondent police station.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. M.R.JOTHIMANIAN, Advocate for the Petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

(This case has been heard through video conference)

The petition has been filed to modify the condition imposed upon the petitioner in Crl.M.P.No.12139 of 2021 in Crl.A.No.520 of 2021 vide order 10.12.2021 passed by this Court, pending disposal of the above Appeal.



2. Learned counsel appearing for the petitioner would submit that this Court, by an order dated 10.12.2021, had granted suspension of sentence and directed the petitioner to stay at Salem and appear before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Salem on every Monday at 10.30 a.m. until further orders.

3. He would further submit that the petitioner is aged about 70 years and due to the pandemic situation, he is unable to stay at Salem, however, he had been continuing to report before the Trial Court on every Monday at 10.30 a.m. On the last occasion, the Court Staff had informed that there is a prevention of physical appearance of the parties and on account of that, he was unable to appear before the Court and thereby, he would seek that the condition to appear before the Trial Court on every Monday shall be modified.

4. Considering the facts and submissions made by the learned counsel for the petitioner, the condition imposed upon the petitioner in Crl.M.P.No.12139 of 2021 in Crl.A.No.520 of 2021 vide order dated 10.12.2021 is modified on condition as follows:

(i) The petitioner shall appear before the Trial Court on the first working day of every Month at 10.30 a.m., until further orders;

(ii) The condition directing the petitioner not to enter into the jurisdictional limits of the respondent police station is relaxed and the petitioner shall appear before the respondent police on 15th of every Month at 10.30 a.m., until further orders.

-sd/-
11/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, SALEM



2 THE INSPECTOR OF POLICE,
METTUR ALL WOMEN POLICE STATION,
METTUR DAM, SALEM DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S. M.R.JOTHIMANIAN Advocate on payment of necessary
charges

Order

in
CRL MP.166/2022
in
CRL A.520/2021

Date :11/01/2022

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JPA 12/01/2022