



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION No.1530 of 2022

in Crl.RC.No.267 of 2021

S.S.MOHAMED FOUZIA

[PETITIONER/APPELLANT/ACCUSED]

Vs

S.SELVI

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to relax the condition imposed on the petitioner herein by this Hon`ble Court in Crl.M.P.No. 5646 of 2021 in Crl.R.C.No. 267 of 2021 by an order dated 05.05.2021 directing the petitioner to appear before the learned Metropolitan Magistrate, Fast Track Court No.2, Allikulam, Chennai, on the 1st working day of every Month at 10.30.a.m., and pass such further or other orders.

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.D.N.DHURGASHA, Advocate for the petitioner and of M/S.L.RAJASEKAR, Advocate on behalf of the Respondent the court made the following order:-

This petition has been filed to relax the condition imposed on the petitioner vide order dated 05.05.2021 in Crl.MP.No.5646 of 2021 in Crl.RC.No.267 of 2021 directing her to appear before the learned Metropolitan Magistrate, Fast Track Court No.II, Allikulam, Chennai on the first working day of every month at 10.30 a.m.

2. The learned counsel appearing for the petitioner would contend that the petitioner being a lady, facing difficulty in appearing before the trial court. He would further submit that from the month of May 2021 onwards, the petitioner regularly complied with the direction given by this Court and appeared before the trial court on the first working day of every month at 10.30 a.m. Accordingly, he prayed to relax the condition.



3. The learned counsel appearing for the respondent vehemently opposed this petition and made submission as the condition imposed by this Court on 05.05.2021 is a regular condition and it is usual in all the cases. According to him, if the condition is relaxed, the petitioner may try to abscond from the clutches of law.

4. Submissions made by the counsels appearing on either side are considered.

5. In general, appearing before the trial court on the first working day of every month is not onerous one. Since both the courts below concurrently held that the petitioner is guilty under Section 138 of NI Act, it is not necessary for this Court to modify the earlier condition imposed on the petitioner vide order dated 05.05.2021 in CrI.MP.No.5646 of 2021 in CrI.RC.No.267 of 2021.

6. Accordingly, on considering the facts and circumstances of the case, this Court is not inclined to allow this petition and this miscellaneous petition is dismissed.

-sd/-
15/03/2022

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 METROPOLITAN MAGISTRATE,
FAST TRACK COURT-II, ALLIKULAM,
CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]



3 THE VI ADDITIONAL SESSIONS
JUDGE, CITY CIVIL COURT, CHENNAI.

WEB COPY

C.C. to M/S.D.N.DHURGASHA Advocate on payment of necessary
charges

Order

in
CRL MP.1530/2022
in
CRL RC.267/2021

Date :15/03/2022

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

RW 21/03/2022