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Crl.M.P.No.5208 of 2022

Crl.M.P.No.5208 of 2022
in
Crl.A.No.31 of 2017

M. NIRMAL KUMAR, J.

This petition has been filed to relax the condition imposed by this Court in Crl.M.P.No.775 of 2017 in C.A.No.31 of 2017 dated 19.01.2017 that the petitioner shall appear before the Judicial Magistrate No.II at Villupuram on the 1st working day of every English Calendar month at 11.00 a.m.

2. The petitioner, who was arrayed as accused No.1 in Spl.C.C.No.267 of 2015 was convicted by the trial Court on 20.12.2016 and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.5,000/-, against which, the accused No.1 had preferred an appeal in Crl.A.No.31 of 2017 along with a miscellaneous petition in Crl.M.P.No.775 of 2017 seeking Suspension of Sentence.

3. This Court, by order dated 19.01.2017, suspended the sentence of the petitioner with certain conditions. One of the conditions is that the petitioner shall appear before the trial Court on the first working day of every English Calendar Month at 11.00 a.m without fail till the disposal of the above Criminal Appeal.



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4. Learned counsel for the petitioner submitted that the petitioner has been complying with the conditions for the past 5 years. The petitioner has now suffering from stroke. Due to which, his movements have been curtailed and has been paralysed. Even for his daily activities, he needs somebody's assistance. Hence, he prays to relax the condition imposed on 19.01.2017.

5. Learned Additional Public Prosecutor appearing for the respondent verified the same. The medical records and photographs shows that the petitioner is bed ridden with restricted movement. Further, the learned Additional Public Prosecutor submitted that the petitioner is complying with the condition without any deviation.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor that the petitioner is complying with the condition without any deviation, now the petitioner is suffering from paralysis with restricted movement, the condition imposed on the petitioner to report before the trial Court, is relaxed.

29.04.2022

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