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Crl.O.P.No.15075 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.15075 of 2022

P.Dharamchand

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
E-A, Mylapore Police Station,
Chennai 600 004.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 439 (1) (b) of Cr.P.C., to set aside or modify the condition "to report before the Learned Trial Judge daily at 10.00 a.m., on all working days until furthers" imposed in the order dated 10.05.2022 made in Crl.M.P.No.236 of 2022 on the file of the learned Sessions Judge for Exclusive Trial of Bomb blast cases at Poonmalle, by allowing this Criminal Original Petition.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor.



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ORDER

This Criminal Original Petition has been filed application to set aside or modify the conditions imposed by the learned Sessions Judge for Exclusive Trial of Bomb blast cases at Poonmalle in Crl.M.P.No.236 of 2022 dated 10.05.2022.

2. It is the grievance of the petitioner that the petitioner was convicted for the offences under Sections 448, 307, 332, 506(ii) of IPC and Section 3(1) of the Explosive Substances Act, 1908 for a period of 10 years . Therefore, the petitioner had filed an Appeal in C.A.No.367 of 2016 before this Court and the conviction was also confirmed by this Court on 16.07.2021. Aggrieved over the same, the petitioner had filed C.A.No.571 of 2022 before the Hon'ble Supreme Court. The Hon'ble Supreme Court had passed an order dated 06.05.2022 to suspend the execution of the remaining part of the sentence awarded to the appellant holding that the appellant may be released on bail on such terms and conditions as may be imposed by the Trial Court.

3. Based on the above Order, the Trial Court had imposed the condition while releasing the petitioner, the petitioner is directed to appear and sign before



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the Trial Court daily at 10.00 a.m on all working days. The same was sought to be modified by the petitioner and he moved the application for relaxation before the learned Trial Judge. However, the learned Trial Judge has returned the application on the ground stating that since an appeal is pending before the Honb'le Supreme Court, the relaxation petition is not maintainable. Hence, he prays to modify the conditions.

4. This Court is of the view that discretion to impose and modify the condition is entirely relegated to the Trial Court. Accordingly, the relaxation petition returned by the Trial Court is set aside. The learned Sessions Judge for Exclusive Trial of Bomb blast cases at Poonmalle is directed to consider the modification petition filed by the petitioner on merits.

5. With the above direction, this Criminal Original Petition is disposed of.

01.07.2022

Index: Yes/No

Internet: Yes/No

Speaking order/Non speaking order

shk/nti



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N.SATHISH KUMAR,J.
shk/nti

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To

1. The learned Sessions Judge for Exclusive Trial
of Bomb blast cases at Poonmalle
- 2.The Inspector of Police,
E-A, Mylapore Police Station,
Chennai 600 004.
- 3.The Public Prosecutor,
High Court of Madras.

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