

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 16530 of 2022

1. S.Khaja Mohideen
2. S.Syed Mohammed

... Petitioners

Vs.

State Rep by its
The Inspector of Police,
B-1, North Beach Police Station,
Chennai - 600 001.
(Crime No. 164 of 2022)

... Respondent

Prayer :- Criminal Original Petition filed under Section 482 of Cr.P.C. praying to set aside the order dated 09.06.2022 in Crl.M.P.No.9037 of 2022 and to extend the time to surrender before the learned VII Metropolitan Magistrate, Chennai and to furnish sureties as imposed in Crl.M.P.No.7911 of 2022 dated 25.05.2022.

For Petitioners : Mr.K.Manikanda Raj

For Respondent : M/s.V.J.Priyadarsana
Government Advocate (Criminal Side)

ORDER

This petition has been filed to set aside the dismissal order dated 09.06.2022 in Crl.M.P.No.9037 of 2022 in Crl.M.P.No.7911 of 2022 passed by the learned Principal Sessions Judge, Chennai and further direct to extent the time for furnishing sureties before the learned VII Metropolitan Magistrate, Chennai, in Crl.M.P.No.7911 of 2022, dated 25.05.2022 passed by the XXIII Additional Sessions Judge, Chennai.

2. The learned counsel for the petitioners would submit that the petitioners were suffering from viral fever, hence, they could not surrender before the Magistrate and produce sureties within time. Therefore, he prays time to surrender and execute the sureties.

3. The learned Government Advocate (Criminal Side) would submit that the Court below had dismissed the petition filed by the petitioners for extension of time in Crl.M.P.No.9037 of 2022 in Crl.O.P.No.7911 of 2022 dated 09.06.2022.

4. Considering the facts and circumstances of the case, the order dated 09.06.2022 in Crl.M.P.No.9037 of 2022 in Crl.M.P.No.7911 of 2022 passed by the learned Principal Sessions Judge, Chennai is hereby set aside and this petition is ordered subject to the following condition:

"the petitioners are directed to pay jointly a sum of Rs.5,000/- (Rupees five thousand only) as cost to the Tamil Nadu State Legal Services Authority, Chennai and on such payment the petitioner is directed to surrender and execute the sureties as ordered by the learned XXIII Additional Sessions Judge, Chennai, on or before 29.07.2022, failing which, the order passed by this Court shall stand automatically cancelled.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Chennai.
2. The XXIII Additional Sessions Judge,
Chennai.
3. The VII Metropolitan Magistrate,
Chennai.
4. The Inspector of Police,
B-1, North Beach Police Station,
Chennai - 600 001.
5. The Public Prosecutor,
High Court, Madras.

Copy To

The Member Secretary,
Tamil Nadu State Legal Services Authority,
Chennai.

+1cc to Mr.K.Manikanda Raj, Advocate SR.No.48033

Crl.O.P.No. 16530 of 2022

PA(CO)
GMY(19/07/2022)