



Crl.MP.No.14972 of 2022 in Crl.A.No.470 of 2020

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in

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M.NIRMAL KUMAR, J.

This petition has been filed to relax the condition imposed by this Court by its order dated 16.08.2021 in Crl.MP.No.7742 of 2021 in Crl.MP.No.7214 of 2020 in Crl.A.No.470 of 2020 for a period of 6 months.

2.The petitioner, who was an accused in C.C.No.15 of 2015 before the Special Court for the cases under the PC Act, Chennai, was convicted and sentenced as follows by order dated 22.10.2020:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 409 IPC (2 counts)	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for each count.
2	Section 420 IPC (2 counts)	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for each count.
3	Section 468 IPC (2 counts)	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for each count.
4	Section 471 IPC (2 counts)	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment, for each count.



S.No.	Provision under which convicted	Sentence
5	Section 13(2) r/w 13(1)(c) of the PC Act	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment.
6	Section 13(2) r/w 13(1)(d) of the PC Act	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo one month simple imprisonment.

Against which, the accused had preferred an appeal in Crl.A.No.470 of 2020, along with a Miscellaneous Petition in Crl.M.P.No.7214 of 2020, seeking Suspension of Sentence.

3.This Court, by order dated 02.12.2020, suspended the sentence of the Petitioner with the following condition:

“The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.”

4.Thereafter, the Petitioner filed a modification Petition in Crl.MP.No.7742 of 2021. By order dated 16.08.2021, this Court modified



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the condition to the effect that the Petitioner shall appear before the trial Court once in two months in the first week.

5.Learned counsel for the petitioner submitted that the Petitioner has been complying with the condition till date. The Petitioner is 74 years and now undergone a major surgery viz., right total hip replacement and is recovering from the same. Hence, finds it difficult to appear before the said Court, as per the order of this Court dated 16.08.2021.

6.Learned Government Advocate appearing for the respondent submitted that the Petitioner is complying with the condition without any deviation. Further, the Petitioner's health condition is not seriously disputed by him.

7.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate that the Petitioner is complying with the condition without any deviation, now the Petitioner has undergone hip replacement surgery, the condition imposed on



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the Petitioner by order dated 16.08.2021 in Crl.MP.No.7742 of 2021 in Crl.MP.No.7214 of 2020 in Crl.A.No.470 of 2020 to appear before the trial Court, is totally relaxed.

28.09.2022

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M.NIRMAL KUMAR, J.

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Dated: 28.09.2022