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Crl.M.P.No.14434 of 2022 in *Crl.A.No.901 of 2019*

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in

Crl.A.No.901 of 2019

M.NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed to relax the condition imposed on the petitioner by this Court in order dated 16.12.2021 Crl.M.P.No.13649 of 2021 in *Crl.A.No.901 of 2019* to report before the trial Court once in three months on the first working day at 10.30 a.m. commencing from 5th January 2022 until further orders.

2.This Court, vide its order dated 20.12.2019 in Crl.M.P.No.18832 of 2019 while suspending substantive sentence of imprisonment imposed on the petitioner pending disposal of the appeal, enlarged him on bail on one of the condition that the petitioner should report before the trial court on the first working day of every month at 10.30 a.m. Thereafter, the petitioner filed a petition in Crl.M.P.No.13649 of 2021 to relax the condition imposed in Crl.M.P.No.18832 of 2019, wherein this Court modified the condition and directed the petitioner to report before the trial Court once in three months on the first working day at 10.30 a.m. commencing from 5th January 2022 until further orders.



Crl.M.P.No.14434 of 2022 in *Crl.A.No.901 of 2019*

3.The learned counsel for the petitioner submitted that the petitioner was convicted by the trial Court in C.C.No.6 of 2006, dated 28.11.2019. Thereafter, the petitioner had filed Crl.A.No.901 of 2019 before this Court and granted suspension of sentences and directed to appear before the trial Court once in every month on the first working day at about 10.30 a.m., till the disposal of the above appeal and thereafter, the petitioner was directed to appear before the trial Court once in three months on the first working day at 10.30 a.m. commencing from 5th January 2022 until further orders. He would submit that the petitioner is employed as a Coolie, he is the only breadwinner of his family and unable to attend the work for complying with the condition imposed by this Court and thereby denied his income. He further submits that he is recently tested Covid positive and unable to travel for long distance and due to his health condition, he find it difficult to comply with the condition further. He further submitted that the petitioner is a permanent resident and residing with his family. Hence he seeks for relaxation of the above said condition. The petitioner has been complying with the above said condition regularly without any default.

4.The learned Special Public Prosecutor submitted that the



Crl.M.P.No.14434 of 2022 in *Crl.A.No.901 of 2019*

petitioner had been complying with the condition without any default.

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5.Considering the submission of the learned counsel for the petitioner that the petitioner is complying with the conditions for the without any default, this Court is inclined to modify the condition imposed on the petitioner.

6.Accordingly, the condition that the petitioner shall report before the trial court once in three months on the first working day at 10.30 a.m. commencing from 5th January 2022 until further orders is hereby relaxed.

20.09.2022

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Crl.A.No.901 of 2019

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