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Crl.M.P.No.19717 of 2022
in Crl.A.No.404 of 2018

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M. NIRMAL KUMAR, J.

This petition has been filed to relax the condition imposed by this Court in the order dated 15.09.2020 in Crl.M.P.No.5039 of 2020 at Para 17(vi) "the petitioner shall report before the trial Court every Monday at 10.30 a.m. until further orders".

2. The petitioner/A-1 in C.C.No.36 of 2015 was convicted by the trial Court by judgment dated 31.05.2018 and sentenced to undergo Rigorous Imprisonment for one year for the offence under Section 21(a) NDPS Act and to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.1,00,000/- for each offences under Sections 29, 22(c), 27A and 28 of NDPS Act, against which, the petitioner/A-1 has filed an appeal in Crl.A.No.404 of 2018, thereafter filed a petition in Crl.M.P.No.5039 of 2020 seeking of suspend the sentence and bail.



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WEB COPY

3. The petitioner is the only son to his parents and he was pursuing his IV year B.Tech. course in a private university at Kattangulathur. The petitioner's family hails from Tirupathi. Further, during suspension of sentence period, Covid-19 Pandemic was at peak. Considering all these aspects, this Court granted the relief of suspension of sentence and bail to the petitioner with certain conditions. One of the condition imposed on the petitioner is that "After discharge from the hospital, the petitioner shall report before the trial Court every Monday at 10.30 a.m. until further orders". During that period the petitioner was admitted in the hospital for rehabilitation treatment. Later, the petitioner filed Crl.M.P.No.6015 of 2022 to relax the above condition and sought exemption from appearing before the trial Court on 02.05.2022 and 09.05.2022, since his Semester Examination dates, viz., 02.05.2022 and 09.05.2022 falls on Monday. Accordingly, the appearance of the petitioner before the trial Court on 02.05.2022 and 09.05.2022 was exempted.

4. Now the present petition is filed seeking to relax the condition that "the petitioner shall report before the trial Court every Monday at 10.30 a.m. until further orders" for the reason that the petitioner is now staying with his



Crl.M.P.No.19717 of 2022
in Crl.A.No.404 of 2018

WEB COPY

parents at Tirupathi and it takes almost 8 hours for him to travel up and down to comply with the condition. Further, he has to clear four more subjects. He has to prepare and appear for the examinations. So far, he is complying with the condition without any break.

5. The learned Special Public Prosecutor for NCB cases submitted that today morning only the papers were served to him and he had great difficulty in getting instructions about the compliance. He further opposed for relaxation of the condition stating that the petitioner has only four more papers to complete and to attend the college, he has to be present in Chennai, at Kattankulathur University. Appearing weekly once before the Court would not be a great difficulty for the petitioner. If the condition is relaxed, he might not co-operate with the appeal.

6. On a perusal of the material it is seen that the petitioner was the student at the time of offence and his education got disrupted during the period of incarceration. Now, he is continuing his education and completed almost all papers except four. The petitioner taken treatment for



WEB COPY



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rehabilitation. He is now out of bad habits. Further, it would take some time for the appeal to be taken up for final hearing.

7. Considering the above facts and circumstances, this Court is inclined to modify the condition. Accordingly, the order dated 15.09.2020 made in Crl.M.P.No.5039 of 2020 in Crl.A.No.404 of 2018 is modified to the effect that the petitioner shall report before the trial Court on the second working day of every month at 10.30 a.m. until further orders. All other conditions remain unaltered.

22.12.2022
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