



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Sixteenth day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9431 of 2022
in
CRL.A.(MD)No.391 of 2022

MURUGESAN

... PETITIONER/PETITIONER/3rd APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI DISTRICT,
PUDUKOTTAI.
(CRIME NO. 5 OF 2018).

... RESPONDENT/RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass order to relax the conditions imposed on the petitioner in Crl.M.P.(MD) No. 6991 of 2022 in Crl.A.(MD) No. 391 of 2022 order Dated. 14.07.2022 that he have to report before the learned Sessions Judge, Mahila Court, Pudukkottai at 10.30 AM. on first and third Monday of every month until further order.

Prayer in CRL A(MD).391/2022 :

To set aside the sentences and conviction in Special Sessions Case No.26 of 2018 dated 14.06.2022 on the file of the Sessions Judge, Mahila Court, Pudukkottai against the Accused No.2 to 5 by allowing this Criminal Appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.KATHIRVELU, Senior Counsel for M/S.A.HAJA MOHIDEEN, Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The above Criminal Miscellaneous Petition has been filed seeking orders to relax the condition imposed on the petitioner in Crl.M.P.(MD)No.6991 of 2022 in Crl.A.(MD)No.391 of 2022, dated 14.07.2022.

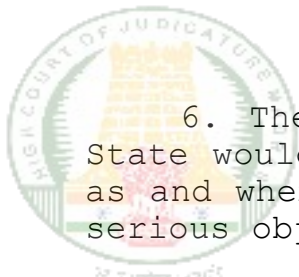


2. The learned Sessions Judge, has convicted the petitioner/fourth accused under Sections 420, 494 r/w 109, 495 r/w 109 and 496 r/w 109 I.P.C., and sentenced him to undergo Rigorous Imprisonment for four years, for each of the above offences and to pay a fine of Rs.40,000/- for each of the above said offences, in default to undergo Rigorous Imprisonment for one year each. The petitioner, aggrieved by the said judgment of conviction and sentence, has preferred the present appeal along with the other accused 2 to 5 and also filed the petitions for suspension of sentence. This Court, vide order dated 14.07.2022, has passed a common order in Crl.M.P.(MD)Nos.6989 to 6992 of 2022 in Crl.A.(MD) No.391 of 2022, granting the relief of suspension of sentence and bail was granted with the condition directing them to report before the trial Court at 10.30a.m., on the first and third Monday of every month until further orders.

3. The petitioner has filed the above application stating that he gave sureties on 18.07.2022 and was released from jail on 19.07.2022 and abided the condition on 01.08.2022 and again on 16.08.2022, that he was working in Singapore for the past 16 years in DM DYNA-MAC, that his employer is now urging him to join the employment, that the petitioner is the only breadwinner of the family and he has been paying the EMI for the housing loan along with his wife to the tune of Rs.14,00,000/- to REPCO Bank of Rs.30,000/- per month, that he is having two school going children and he has to pay monthly fees for his children and he has to take care of his aged mother, that his wife is now in advanced stage of pregnancy of third child and is expecting delivery on 13.10.2022, that his employer has sent a final notice calling upon to join the duty on 17.08.2022, failing which he will lose the job and that therefore, the condition imposed on him is to be relaxed, otherwise, he will put to irreparable loss and injury.

4. No doubt, the petitioner has given an undertaking to abide by the conditions to be imposed by this Court. The learned Counsel for the petitioner would submit that the petitioner is ready to appear as and when directed by the Courts. The petitioner has also produced the copy of the letter received from the petitioner's employer, wherein it has been stated that he was granted special leave from 14.06.2022 to 16.08.2022 and he has to join on 17.08.2022, failing which, they will cancel his work pass.

5. Admittedly, the petitioner is the brother of the main accused and the main accused is still in jail. The learned Counsel for the petitioner has also produced a copy of the letter given by the petitioner to the Counsel on record, wherein the petitioner undertakes to appear before the Indian Embassy at Singapore without fail, if the Court directs. He has also furnished his passport particulars and Singapore Fin number particulars.



6. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner has to be directed to appear as and when directed by the Courts and that they are not having any serious objections.

7. Considering the above facts and circumstances and also taking note of the charges proved and the punishment imposed on the petitioner and also taking note of the directions given by the petitioner's employer to report duty on 17.08.2022, this Court is inclined to modify the condition. Accordingly, the condition already imposed on the petitioner is modified and the petitioner is directed to report on the first working day of every succeeding English Calendar month before the Indian Embassy at Singapore (High Commission of India, 31 Grange Road, Singapore - 239702) until further orders and is further directed to appear before the Courts in India whenever directed.

sd/-

16/08/2022

/ TRUE COPY /

/08/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI DISTRICT, PUDUKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE DIRECTOR,
INDIAN EMBASSY AT SINGAPORE (HIGH COMMISSION OF INDIA,
31 GRANGE ROAD, SINGAPORE - 239702)

+1 CC to M/s.A.HAJA MOHIDEEN, Advocate (SR-8537[I] dated 16/08/2022)

ORDER IN
CRL MP(MD) No.9431 of 2022
in
CRL.A.(MD)No.391 of 2022
Date :16/08/2022