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*Crl.M.P.No.3357 of 2023
in H.C.P. No.2245 of 2022*

**Crl.M.P.No.3357 of 2023
in
H.C.P. No.2245 of 2022**

**M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,**

(Order of the Court was made by M.SUNDAR, J.,)

This order will now dispose of captioned 'Criminal Miscellaneous Petition' ('Crl.M.P.' for the sake of brevity, convenience and clarity). This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 07.03.2023 which reads as follows:

'Captioned 'Criminal Miscellaneous Petition' [hereinafter 'Crl.M.P.' for the sake of convenience] has been filed with a prayer to fix an early date for hearing out the aforementioned Habeas Corpus Petition.

2. Dr.S.Manoharan, learned counsel for petitioner submits that the sole ground is that the detenu's mother is unwell. To be noted, the detenu's wife is the petitioner before us. Learned counsel draws our attention to paragraph 4 of the support affidavit.

3. In response, learned Additional Public Prosecutor submits on instructions that the petitioner's mother was admitted in a private hospital in Salem on 23.02.2023 and



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*requests for a short accommodation to place the medical
report before us.*

4. List one week hence. List on 14.03.2023.'

2. Adverting to the earlier proceedings, learned State Additional Public Prosecutor has placed before us a medical certificate from a hospital in Salem and some medical reports. The medical certificate says that the mother of the detenu has been diagnosed with Hypertensive Encephalopathy and is under medication. It is also submitted that the patient is recovering from surgery i.e., the patient is in the path of recovery/convalescence.

3. We find that the wife of the detenu is the petitioner before us and therefore the wife of the detenu is also available to take care of the detenu's mother. In this view of the matter, we do not find this to be a fit case to accede to the prayer in the captioned Crl.M.P.

4. Sequitur is, captioned Crl.M.P. is dismissed albeit making it



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clear that the rights of the petitioner are preserved to come up with a similar/same prayer if there is change in circumstances.

**[M.S.J.,] [M.N.K.J.,]
14.03.2023**

mmi

**M.SUNDAR, J.,
and**



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14.03.2023