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Crl.M.P.No.4313 of 2023

Crl.M.P.No.4313 of 2023

in

H.C.P.No.2044 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 the captioned 'Criminal Miscellaneous Petition' ['Crl.MP' for the sake of convenience and clarity].

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the captioned Crl.MP in the previous listing on 27.03.2023 which reads as follows:

'Captioned 'Criminal Miscellaneous Petition' ['Crl.MP' for the sake of brevity] has been filed with a prayer for fixing an early date for hearing out aforementioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity].

2. Mr.V. Elangovan, learned counsel, who is before us, submits that the detenu was arrested on 13.09.2022 and the date of impugned detention order is 29.09.2022. Learned counsel also submits that a Crl.MP with similar prayer being Crl.M.P.No.19530 of 2022 was filed earlier but the same was withdrawn but after withdrawal, the petitioner was blessed with a baby on 24.02.2023.

3. Mr.R.Muniyapparaj, learned Additional Public



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Prosecutor who accepts notice on behalf of all the five respondents requests for a short accommodation.

List day-after-tomorrow. List on 29.03.2023.'

3. Pursuant to the aforementioned earlier proceedings, Mr.V.Elangovan, learned counsel on record for petitioner submits that Birth Certificate has since been filed and learned Prosecutor has been favoured with a advance copy. There is no disputation that the petitioner who is wife of the detenu has been blessed with a girl child on 24.02.2023. Learned counsel predicated his submission on the touch and feel of infant theory. Prayer in the captioned Crl.MP is acceded to.

4. Sequitur is, list the captioned main HCP i.e., HCP No.2044 of 2022 for final hearing one week hence. List on 05.04.2023.

5. Captioned Crl.MP disposed of in the aforesaid manner. There shall be no order as to costs.

[M.S.J.] [M.N.K.J.,]
29.03.2023

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and
M.NIRMAL KUMAR, J.,

mk

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