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Crl.MP.No4682 of 2023

**Crl.MP.No.4682 of 2023**

**in**

**Crl.A.229 of 2023**

**T.V.THAMILSELVI,J.**

The present petition has been filed to modify the condition imposed on the petitioner in Paragraph No.7 (iii) of the order dated 02.03.2023 passed by this Court in Crl.MP.No.3214 of 2023 in Crl.A.No.229 of 2023 while allowing the suspension of sentence.

2. The learned counsel for the petitioner would submit that one of the conditions imposed on the petitioner is that “ *the petitioner shall appear before the trial Court monthly once i.e., 1<sup>st</sup> working day of every every month at 10.30 a.m., for a period of six months*”. He would further submit that the petitioner was convicted in another case for the offence under Section 138 of Negotiable Instrument Act by the learned Judicial Magistrate Court-I, Tindivanam in CC.No.41 of 2021 by its judgment dated 03.11.2022. Aggrieved by the same, the petitioner has preferred Criminal Appeal before the learned Principal Sessions Judge, Villupuram in Crl.A.No.46 of 2022 also filed Crl.MP.No.10286 of 2022 to suspend the sentence. The learned Principal Sessions Judge, Villupuram vide order dated



21.12.2022 imposed one of the conditions imposed on the petitioner is that

*“ the petitioner should appear and sign before the learned I Additional District and Sessions Court, Tindivanam on the 1<sup>st</sup> working day of every month at 10.00 a.m., and to appear on all further hearing in the appeal without fail”*. He would further submit that since from January 2023, on every month of 1<sup>st</sup> working day at 10.00 a.m., the petitioner has appeared before the learned I Additional District and Sessions Court, Tindivanam. He would also submit that the petitioner has not able to appear before the trial court i.e., learned Special Court for the Cases under the Prevention of Corruption Act, Chennai at same time in both courts. Hence, he would seek to modify the aforesaid condition.

3. Heard the learned Government Advocate (Crl. Side) appearing for the respondent police.

4. Taking into consideration, the facts and the submissions made by the learned counsel for the petitioner, this petition is allowed by modifying the condition to the effect that “ *the petitioner shall appear before the trial Court (Special Court for the Cases under the Prevention of Corruption Act, Chennai) on 2<sup>nd</sup> working day of every alternate month at 10.30 a.m., until further orders*”. All other conditions remain intact.



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5. With the above modifications, this Criminal Miscellaneous  
Petition is allowed.

Vv

**05.04.2023**

**Note: Issue Order Copy on 05.04.2023**



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Vv

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