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CrI.M.P.No.8088 of 2023

in

CrI.A.No.901 of 2019

Dr.G.JAYACHANDRAN, J.

This Criminal Miscellaneous Petition is filed to relax the condition imposed on the petitioner for suspension of sentence.

2. The petitioner is the 5th accused in C.C.No.6 of 2006 on the file of the II Additional District (CBI Cases), Coimbatore. He was found guilty for the offences under Sections 120-B, r/w.419, 420, 467, 467 r/w.468, 468 r/w.471 IPC and Section 13(2) r/w.13(1)(d) of P.C.Act, 1988, who was sentenced to undergo 2 years R.I., and fine of Rs.10,000/-, for each charges proved for conspiracy, in default, to undergo 6 months S.I., for each charge and each count. The total fine amount imposed on him is Rs.70,000/- and the period of imprisonment was ordered to run concurrently was 2 years.

3. Aggrieved by the said judgment dated 28.11.2019, Criminal Appeal No.901 of 2019 has been filed. At the time of admission, this Court considering the application for suspension of sentence granted suspension of sentence on condition to appear before the trial Court on the first working



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day of every month at 10.30 a.m. This condition was later relaxed by an order dated 12.07.2022 in Crl.M.P.No.8557 of 2022, directing the petitioner/appellant to report before the II Additional District Judge for CBI Cases, Coimbatore, once in three months on the first working day at 10.30 a.m., commencing from August 2022.

4. Now the petitioner has come forward to seek further relaxation of the above condition stating that he is complying the condition till date without fail and being the sole breadwinner of the family, it is difficult for him to report before the learned II Additional District Judge for CBI Cases, Coimbatore, once in three months on first working day at 10.30 a.m.. It is also submitted by the petitioner that he was admitted in the Government hospital at Chennai on 01.05.2023 for treatment and therefore, unable to travel for a long distance due to his health issues as per the doctor advise. Hence prayed for relaxation.

5. The learned counsel appearing for the petitioner has also furnished the O.P., register in the name of the petitioner issued by the Tamil



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Nadu Government Multi-Super-Speciality Hospital, Omandurar Estate,
Chennai.

6. The learned Special Public Prosecutor for CBI submitted that the petitioner was not regular in reporting before the Court in compliance of the condition imposed by this Court and the same was brought to the notice of this Court by the Presiding Officer, II Additional District Court for CBI cases, Coimbatore. However, taking note of his submissions, this Court relaxed the condition to report before the trial Court once in three months on the first working day at 10.30 a.m.. This order was passed on 12.07.2022 with specific direction that he should report on the first working day in the month of August 2022 and thereafter, however, he did not comply the condition regularly.

7. The perusal of the record, this Court finds that the Presiding Officer of the II Additional District Court for CBI cases. Coimbatore, had informed the Registry of the High Court vide D.No.271/2023 dated 02.05.2023 stating that the accused K.Nagendran in C.C.No.6 of 2006 who



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is the 1st appellant in C.A.No.901 of 2019 had not reported to the Court on 01.08.2022 and 02.05.2023 and his last appearance was on 01.02.2023.

The report received from the Presiding Officer of the II Additional District Court for CBI cases. Coimbatore, substantiate the submissions made by the learned Special Public Prosecutor for CBI regarding the irregular reporting by the petitioner herein. The record shows that the claim of the petitioner in his petition to relax the bail condition is false and the O.P., receipt produced by him on the face of it indicates that there is no variations in the ECHO and ECG, except his blood sugar on higher side. HPAIC is noted as 11.5. Medicine has been prescribed to him and he was directed to come for review after one month. There is no indication that the doctor has advised him to take rest and not to travel. So with the bundles of falsehood, the petition has been filed to relax the bail condition, which was imposed to ensure the accused/appellant convicted by the trial Court is available for conducting the appeal and to face the consequences.

8. In the light of the above fact, this Court is of the view that the petitioner/appellant is not entitled for any relaxation of the bail condition and



for his failure to comply the bail condition, the respondent is duty bound to secure him and report before the trial Court for breach of bail condition.

9. With these observation, this Criminal Miscellaneous Petition is dismissed.

19.06.2023

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Dr.G.JAYACHANDRAN, J.



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