



WEB COPY



Crl.M.P.No.11118 of 2023
in Crl.A.No.433 of 2022

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Crl.A.No.433 of 2022

R.HEMALATHA, J.

This matter is listed under the caption 'for relaxation', today.

2. This Court vide orders dated 26.07.2022 in Crl.M.P.No.5273 of 2022 in Crl.A.No.433 of 2022 granted suspension of sentence to the accused with certain conditions, among which, one of the conditions imposed by this Court is that the petitioner should appear before the Trial Court on the first working day of every English Calender Month at 10.30 a.m until the disposal of the Criminal Appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

3. Mr.T.V.G.Kartheeban, learned counsel appearing for the petitioner seeks to relax the above condition on the ground that the petitioner is a resident of Maharashtra. He further contended that since the accused is permanently residing in Maharashtra, he is unable to



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appear before the trial Court once in a month.

4. Per contra, Mr.S.Sugendran, learned Additional Public Prosecutor appearing for the respondent contended that the criminal appeal is of the year 2022 and that the appeal itself can be taken for final hearing.

5. A perusal of the order dated 26.07.2023 shows that the accused was directed to sign once in a month before the trial Court and if he is not able to appear before the trial Court, he can make arrangements to file an application under Section 317 of Cr.P.C., before the trial Court. In such circumstance, I do not see any reason to relax the said condition, especially when it is stated that the accused is a permanent resident of Maharashtra. Hence, the Criminal Miscellaneous Petition is dismissed.

6. Registry is directed to post the Criminal Appeal for final hearing on 14.08.2023.

vum

01.08.2023

R.HEMALATHA, J.

vum



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