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Criminal Original Petition No.16659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.16659 of 2023

Sahul Hamithu
S/o.Jainul Akbardeen

...Petitioner

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Tiruvarur.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in order made in CrI.M.P.No.355/2023 in C.C.No.32/2023, dated 23.06.2023 passed by Additional Mahila Court (Magistrate Level), Tiruvarur and set aside the same.

For Petitioner : Mr.B.Jawahar
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below in CrI.M.P.No.355 of 2023 in C.C.No.32 of 2023, dated 23.06.2023



dismissing the application filed by the petitioner seeking for relaxation of bail condition imposed on him.

2. Heard Mr.B.Jawahar, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. The petitioner is facing trial before the Court below for offences u/s.498-A IPC, Sections 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

4. It is seen from the order passed by the Court below that it took nearly three years to secure the petitioner after registration of the First Information Report. Admittedly, the petitioner is working abroad. There is delay in the completion of investigation only because of the fact that the petitioner was absconding. In view of the same, the Court below was not inclined to relax the condition imposed while enlarging the petitioner on bail by directing the petitioner to appear before the Court on every Monday



and Friday until further orders and not to leave India without the prior permission of the Court.

5. The First Information Report was registered in the year 2020. The final report was filed only in the year 2023 after the petitioner was arrested on 16.05.2013. In view of the same, the Court below was not inclined to relax the condition since the petitioner will once again go back to foreign country and the trial will come to a grinding halt. The Court below is the best Judge to decide the issue regarding relaxation of condition and this Court cannot interfere with the same unless there is gross illegality in the order.

6. In view of the above discussion, this Court is not inclined to interfere with the order passed by the Court below in CrI.M.P.No.355 of 2023 in C.C.No.32 of 2023, dated 23.06.2023. However, considering the fact that the petitioner works at Saudi Arabia, there can be a direction to the Court below to complete the proceedings as expeditiously as possible and within a time frame.



7. It is brought to the notice of this Court that there are totally eleven witnesses on the side of prosecution. Considering the same, there shall be a direction to the Court below to complete the proceedings in C.C.No.32 of 2023 within a period of four (4) months from the date of receipt of a copy of this order.

8. The trial shall be conducted on a day-to-day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***State of Uttar Pradesh v. Shambhu Nath Singh (JT 2001 (4) SC 3191)***.

This Criminal Original Petition is disposed of with the above direction.

26.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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- 1.The Additional Mahila Court (Magistrate Level),
Tiruvarur.
- 2.The Inspector of Police,
All Women Police Station,
Tiruvarur.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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