



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Sixth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2179 of 2023

Natarajan @ Naturan

... Petitioner/Petitioner

Vs

State through:-

The Inspector of Police,
Thattarmadam Police Station,
In Cr. No. 134/2015,
Tuticorin District.

... Respondent/Respondent

PRAYER :-

Criminal Original Petition is filed under Section 439(1)(B) of Cr.P.C., to call for the records relating to the order passed by the Learned Principal Sessions Judge, Tuticorin in Cr.M.P No. 6729/2022 dated 28.11.2022 and allow this set aside petition.

For Petitioner : M/s.Susi Kumar.C

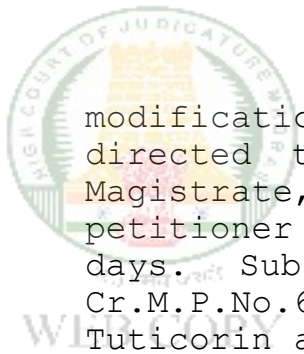
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned Principal Sessions Judge, Tuticorin in Cr.M.P No. 6729/2022, dated 28.11.2022.

2.The case of the prosecution is that on 01.03.2015, on the instigation of the co-accused, the petitioner along with the other accused trespassed into the house of the de-facto complainant and committed theft of gold ornaments.

3.The learned counsel for the petitioner would submit that the petitioner is working in Tirupur and he was granted bail by the learned Principal Sessions Judge, Tuticorin in Cr.M.P.No.5454 of 2022, dated 30.09.2022 and thereafter, he has been regularly complying with the condition to appear before the learned Judicial Magistrate Court at Sathankulam daily at 10.30 a.m. Later, the petitioner had filed a petition in Cr.M.P.No.5880 of 2022 for



modification and the same was allowed and the trial Court directed the petitioner to report before the learned Judicial Magistrate, Avinashi at Tirupur District daily at 10.30 a.m and the petitioner has complied with the said condition for a period of 41 days. Subsequently, he has filed a relaxation petition in Cr.M.P.No.6729 of 2022 before the learned Principal Sessions Judge, Tuticorin and the same was dismissed on 28.11.2022. He would further submit that apart from the petitioner being employed at Tirupur District, he is also having few other cases in Tirupur and the learned Sessions Judge without taking into consideration the pending cases against the petitioner, had dismissed the same. He would further submit that the petitioner is ready and willing to appear before the respondent police on the first Sunday of every month at 10.30 a.m without fail and thereby, he would seek for modification.

4.The learned Government Advocate (Crl. side) would submit that the petitioner has got 24 previous cases and thereby, the learned Sessions Judge had rightly dismissed the application in Cr.M.P.No.6729 of 2022 and hence, he would object for allowing this petition.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions made by the learned counsels, the order passed by the learned Principal Sessions Judge, Tuticorin in Cr.M.P.No.6729 of 2022, dated 28.11.2022 is set aside and this Criminal Original Petition is allowed. Further, the condition imposed by the learned Principal Sessions Judge, Tuticorin is modified and the petitioner shall appear before the learned Judicial Magistrate, Sathankulam on the first Saturday of every English Calendar Month at 10.30 a.m. without fail, until further orders.

sd/-

06/02/2023

/ TRUE COPY /

/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE PRINCIPAL SESSIONS JUDGE,
TUTICORIN.

<https://www.mhc.tn.gov.in/judis>



2. THE JUDICIAL MAGISTRATE, SATHANKULAM.
3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
4. THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.2179 of 2023
Date :06/02/2023

NA/SBN/SAR-2/14.02.2023/3P/6C