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Crl.O.P.(MD)No.18163 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2023

CORAM

THE HON'BLE MR.JUSTICE V. SIVAGNANAM

Crl.O.P.(MD)No.18163 of 2023

Rajamanickam

... Petitioner/ Accused 1

Vs.

The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.
(In Crime No.143 of 2023)

... Respondent/ Complainant

PRAYER : Criminal Original Petition filed under Section 439(i)(b) of the Code of Criminal Procedure, to set aside and modify the order dated 29.09.2023 made in Crl.M.P.No.104999 of 2023 has been dismissed by the Principal District and Sessions Judge, Pudukkottai District and report before the Manamelkudi Police Station, Pudukkottai District at 10.30 am., instead of Sessions Judge, POCSO Court, Srivilliputhur, Virudhunagar District at 10.30 am., so as to comply with the said condition.

For Petitioner : Mr.B.MICHEAL SEBASTIN, Advocate

For Respondent : Mr.R.SURESH KUMAR,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to to set aside and modify the order dated 29.09.2023 made in Crl.M.P.No.104999 of 2023 has been dismissed by the

Principal District and Sessions Judge, Pudukkottai District and report before the

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



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Manamelkudi Police Station, Pudukkottai District at 10.30 am., instead of Sessions Judge, POCSO Court, Srivilliputhur, Virudhunagar District at 10.30 am., so as to comply with the said condition.

2.The learned counsel appearing for the petitioners would submit that the petitioner is an accused in Cr.No.143 of 2023, which was registered for the offence under Section 379 IPC r/w Section 21(1)(2) of the Mines and Minerals (Development and Regulation) Act. Hence, the petitioner filed a petition before the Court below in Cr.M.P.No.4556 of 2023 for anticipatory bail and the same was ordered on condition that the petitioner should appear and sign before the POCSO Court, Srivilliputhur daily at 10.30 am. Since, the petitioner was unable to comply the said condition, he filed a petition in Crl.M.P.No.104999 of 2023 to modify the condition and the same was dismissed by observing that the petitioner has not complied the above said condition even for one day. He would further submit that the petitioner is having residence in Pudukkottai District and hence, he is unable to travel more than 191 km and the petitioner herein is a senior citizen. Therefore, the petitioner filed the present petition to set aside and modify the condition.

3.The learned Government Advocate(Crl.side) appearing for the respondent would submit that after considering the nature of offence, the Court below correctly imposed the condition and hence, the Court below correctly dismissed the petition



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for modification and it does not need interference by this Court. Hence, he prayed
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for dismissal of this petition.

4.Heard both sides and perused the materials available in the records.

5.On perusal of records, it is noticed that the modification petition filed by the petitioner was dismissed by the Court below. Therefore, another petition before this Court is not maintainable. The petitioner has to workout his remedy in the manner known to law. Accordingly, this criminal original petition is dismissed. The petitioner is at liberty to take further course of action, in accordance with law.

sd/-
30/10/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO
1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, PUDUKKOTTAI DISTRICT.

2 THE SESSIONS JUDGE,
POCSO COURT, SRIVILLIPUTHUR, VIRUDHUNAGAR
DISTRICT.

3 THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18163 of 2023
Date :30/10/2023

SA/DD/SAR. /20.11.2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.