



CRL MP(MD) No.15806 of 2023

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

Thursday, the Sixteenth day of November Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P. VADAMALAI
CRL MP(MD) No.15806 of 2023
in
CRL A(MD) No.714 of 2022

RAJU

... PETITIONER/PETITIONER/ APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
KOLLANKODU POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.155/2015).

... RESPONDENT/RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to relax the condition imposed in CrI.MP(MD)No.1024/2023 in CrI.MP(MD)No.13450/2022 in CrI.A(MD)No.714/2022 dt.23/01/2023.

PRAYER IN CRL A(MD)No. 714 of 2022:

To call for the records and set aside the judgment and conviction dated 26.10.2022, the Hon'ble Sessions Fast Track Mahila Camp Court, Kanniyakumari at Kuzhithurai (FAC) in S.C.NO. 18 of 2017 and acquit the Appellant.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P.T.RAMESH RAJA, Advocate for the petitioner and of MR.K.SANJAY GANDHI, Government Advocate (CrI.Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to relax the condition imposed on the petitioner in

CrI.M.P(MD).No.1024 of 2023 in CrI.M.P(MD).No.13450 of 2022 in CrI.A(MD).No.714



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of 2022 dated 23.01.2023.

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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Section 147 of IPC and sentenced him to undergo rigorous imprisonment of two years, for the offence under Section 148 of IPC he was sentenced him to undergo rigorous imprisonment of two years, for the offence under Section 353 he was sentenced him to undergo rigorous imprisonment of two years and for the offence under Section 307 of IPC he was sentenced him to undergo rigorous imprisonment for a period of five years and to pay a sum of Rs.1,000/- (Rupees one Thousand only) in default to undergo simple imprisonment for a period of six months in S.C.No.18 of 2017, on the file of the Sessions Fast Tack Mahila Camp Court, Kanniyakumari at Kuzhithurai.

3. Challenging the same, the Criminal Revision Case has been filed before this Court along with a petition to suspend the sentence in Crl.M.P(MD).No.13450 of 2022 and the same was allowed by this Court on 14.11.2022 with certain conditions. The one of the condition is that the petitioner shall appear before the concerned Court once in a week at 10.30 a.m. until further orders. Thereafter, the petitioner has filed in Crl.M.P(MD).No.1024 of 2023 in Crl.A(MD).No.714 of 2022 before this Court seeking modification of the said condition and the same was allowed on 23.01.2023 and the petitioner was directed to appear before the concerned Court once in three months



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until further order.

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4. The learned counsel for the petitioner submitted that the petitioner has been complying with the condition regularly. He further submitted that the petitioner suffered some health issues and he is also having old age diseases. Therefore, this petition has been filed for relaxation of the said condition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

6. The appeal is filed against conviction judgment passed by the Sessions Judge, Fast Tack Mahila Camp Court, Kanniyakumari at Kuzhithurai and the appeal is still pending. Since the appeal is pending and there may not be any difficulty in abiding once in three months conditions, this Court is not inclined to modify the said condition. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
16/11/2023

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/12/2023

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

TTA



CRL MP(MD) No.15806 of 2023

TO

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1 THE SESSIONS JUDGE, FAST TRACK MAHILA CAMP COURT,
KANNIYAKUMARI AT NAGERCOIL.

2 THE INSPECTOR OF POLICE, KOLLANKODU POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

ORDER IN
CRL MP(MD) No.15806 of 2023
in
CRL A(MD) No.714 of 2022
Date :16/11/2023

RS/JGB/SAR-(01.12.2023) 4P 4C

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