



CRL A. No.735/2022

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CRL. A. NO. 735 OF 2022

M.DHANDAPANI, J.

This matter is listed today under the caption “For Being Mentioned” at the instance of the learned Special Public Prosecutor appearing for the respondents.

2. It is submitted on behalf of the respondents that this Court, vide order dated 27.6.2024, while confirmed the conviction of the appellant, however, modified the sentence of imprisonment from 12 years to 10 years and the default sentence for not paying the fine was reduced to 3 months. However, inadvertently, on the said date, it was erroneously informed by the prosecution that the appellant had completed 10 years and 5 months of sentence, though in actuality, the appellant had completed only 9 years and 5 months of sentence and, therefore, the advance order directing his release and detaining him in the foreigner’s camp till his deportation was ordered. Therefore, it is prayed that necessary correction may be made to that portion of the order directing release forthwith and his confinement in foreigner’s camp till his deportation be modified accordingly.



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3. On the above contention, this Court heard the learned counsel appearing for the appellant and perused the materials available on record.

4. A careful perusal of the order reveals that an erroneous averment was made to the effect that the appellant had completed 10 years and 5 months of incarceration, which had resulted in this Court directing the appellant to be released forthwith and to be detained in foreigners camp till his deportation back to his country.

5. However, the appellant was remanded on 25.4.2015 and has been under incarceration from then on without grant of bail and the 10 year period comes to an end only on 24.04.2025 and, thereafter, for non-payment of fine, if any, the appellant has to undergo THE default sentence. That being the case, the release of the appellant cannot be made immediately and the appellant should suffer the balance portion of his sentence before the appellant is released and deported back to his country.



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6. In such view of the matter, unnumbered second para of the order dated 27.06.2024 directing the release of the appellant forthwith and his detention in foreigners detention camp is recalled and the appellant is directed to undergo the balance portion of sentence imposed upon him, less the sentence already undergone and on completion of the sentence, the appellant shall be released and held at the foreigners camp till his deportation/repatriation back to his country of domicile.

7. Registry is directed to carry out the necessary corrections and issue fresh order copy to the parties.

04.07.2024

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NOTE TO OFFICE :

Issue Order copy on 05.07.2024



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