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Crl.M.P. No. 14286 of 2024

in

Crl.M.P. No.7615 of 2024

in

Crl.A.No. 565 of 2024

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M. NIRMALKUMAR,J.

The 2nd petitioner/2nd accused in C.C. No. 14 of 2013 was convicted along with two others by the Trial Court by judgment dated 17.04.2024 for the offence under Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) At, 1997 (82 counts) and sentenced to undergo 3 years rigorous imprisonment on each count together with a fine of Rs.10,000/- for each count carrying a default sentence of 6months simple imprisonment on each count. Aggrieved against the said conviction and sentence, the 2nd petitioner preferred the above appeal along with a petition seeking suspension of sentence. This Court, by order dated 08.05.2024 granted suspension of sentence and enlarged the 2nd petitioner on bail subject to certain conditions. In paragraph No.8 of the said order, clause (iii) of the conditions imposed was that the 2nd petitioner should appear before the Trial Court on every Monday at 10.30a.m. until the disposal of the appeal and if she is not able to appear before the Trial Court



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on any day, she shall make arrangements to file an application under Section 317 Cr.P.C. and should appear before the Trial Court on any other day in lieu of the date of her absence, as directed by the Trial Court. Seeking relaxation of the said condition, the 2nd petitioner has come forward with the present petition.

2. Learned counsel for the 2nd petitioner would submit that the 2nd petitioner is a woman aged 67 years and she has undergone a hip surgery. Therefore, she is finding it difficult to appear before the Trial Court every week on Monday and the learned counsel would submit that the condition imposed on the petitioner under clause (iii) of paragraph No.8 of the order dated 08.05.2024 may be relaxed.

3. Though the learned Government Advocate (Crl.Side) opposed the petition, considering the fact that the 2nd petitioner is around 67 years and that she is facing difficulty in appearing before the Trial Court on every Monday as she has to visit the hospital frequently owing to her medical ailments, this Court is inclined to modify the aforesaid condition imposed on



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the petitioner. Accordingly, clause(iii) of the condition imposed on the petitioner by order dated 08.05.2024 stands modified to the effect that the 2nd petitioner shall appear before the Trial Court on the first working day of every month at 10.30a.m. till the disposal of the appeal. The remaining portion of clause(iii) remains intact.

18.10.2024

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