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Crl.M.P.No.14021 of 2024
in Crl.A.No.789 of 2024

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M. NIRMAL KUMAR, J.

This petition is filed seeking to relax the condition imposed on the petitioner in Para No.6(ii) of the order dated 01.07.2024 in Crl.A.No.789 of 2024.

2.This Court, by order dated 01.07.2024 in Crl.A.No.789 of 2024, had granted bail to the petitioner/appellant with certain conditions. One of the conditions is that the petitioner to appear before the learned Judge, Special Court for trial of Cases under SC & ST (POA) Act, Perambalur, weekly once, i.e., first working day of every week at 10.30 a.m. until further orders. Now the present petition has been filed seeking to relax the condition and this Court by order dated 19.10.2024, directed the petitioner to take private notice to the third respondent/de-facto complainant as well as the learned Government Advocate to inform the third respondent through jurisdictional police about the pendency of the above relaxation petition.



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3.The learned Government Advocate (Crl. Side) submitted that notice was served and the third respondent was informed about the case.

4.The private notice was also served. Ms.S.Chandralekha, learned counsel entered appearance on behalf of the third respondent. Today, she informed that she is not inclined to continue for the third respondent, since the third respondent is not cooperating and giving proper instructions. A memo is also produced. The requirement under Section 15A(3) of SC/ST (POA) Act is that the victim/de-facto complainant to be informed about the pendency of any proceedings in the Court. In view of the same, notice served to the de-facto complainant and she made aware of the proceedings. Though the learned counsel for de-facto complainant informed this Court that she is withdrawing the vakalat for want of instructions, the same would not deny the right of the petitioner from being heard.

5.The learned counsel for petitioner submitted that he is a daily wage earner. Due to the condition imposed, he is unable to attend to his work and he is losing his income. Further, he was informed that investigation in this case completed and charge sheet filed.



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6.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that in this case investigation completed, charge sheet filed on 09.10.2024 through electronic mode by E-filing system and further submitted that till date the petitioner is regularly complying with the conditions imposed by this Court.

7.Considering the fact that the charge sheet already filed in this case and also considering the submission made by the learned Government Advocate that the petitioner is complying with the conditions without any deviation, the condition imposed on the petitioner to appear before the learned Judge, Special Court for trial of Cases under SC & ST (POA) Act, Perambalur on the first working day of every week, is totally relaxed. All other conditions remain unaltered.

24.10.2024

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