



CRL MP(MD) No.6000 of 2024

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

Wednesday, the Twenty Fourth day of July Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL MP(MD) No.6000 of 2024
IN
CRL OP(MD) No.6520 of 2023

THE INSPECTOR OF POLICE
CYBER CRIME POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO.34/2022)

... PETITIONER/RESPONDENT

Vs

JOHN WILZON @ EZE FIDELIS NDUBUISI

... RESPONDENT/PETITIONER

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the order dated 10/4/2023 passed in CrI.OP(MD)No.6520/2023 on the fiie of this Honble Court.

Prayer in CRL OP(MD). 6520/ 2023 :

To modify the condition imposed in paragraph 7 of the order dt.8/3/2023 made in CrI.MPNo.4121/2023 passed by the Judicial Magistrate IV, Thoothukudi as deem fit by this Honble Court as just and necessary of the case.

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.R.MUNIYAPPA RAJ, Additional Public Prosecutor Assisted by MR.M.SYLVESTER JOHN, Advocate for the petitioner and none appeared either in person or by an advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to modify the order dated 10.04.2023 passed by this



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Court in Crl.O.P.(MD)No.6520 of 2023, thereby modified the conditions imposed by the learned Judicial Magistrate IV, Thoothukudi, in Crl.M.P.No.4121 of 2023.

2.The respondent was arrested and remanded to judicial custody for the offence punishable under Sections 419, 420 of IPC r/w Section 66D of Information Technology Act, in pursuant to the registration of FIR in Crime No.34 of 2022 on the file of the Sub Inspector of Police, Cyber Crime Police, DPO, Thoothukudi. The learned Judicial Magistrate IV, Thoothukudi, while granting bail and imposed conditions on the petitioner. One of the conditions is that, he should be detained at special camp for foreigners at Trichy until further orders. In order to modify the said condition, the respondent filed a petition in Crl.O.P.No.6520 of 2023 and this Court by an order dated 10.04.2023, modified the said conditions to the effect that the petitioner shall surrender his passport to the credit of Crime No.34 of 2022 before the learned Judicial Magistrate IV, Thoothukudi.

3.The learned Government Advocate appearing for the petitioner submitted that the respondent is a Nigerian national and in order to restrict the movement of the respondent, the government passed order in G.O(1D)No.140 Public (Foreigners. I) Department dated 05.04.2023, in exercise of the powers conferred under Section 3(2) (e) of the Foreigners Act, 1946 (Central Act XXXI of 1946) read with the notification of the Government of India, Ministry of Home Affairs, New Delhi, No.4/3/56(1) F-I,



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dated 19.04.1958, thereby restricted the movement of the respondent and ordered that he shall reside in the special camp identified and located by the District Collector, Tiruchirappalli District, in the event of his release from prison. The said fact was not brought to the knowledge of this Court as such, this Court modified the conditions imposed by the learned Judicial Magistrate IV, Thoothukudi.

4.In view of the above submission, the order of modification passed by this Court in CrI.O.P.(MD) No.6520 of 2023 dated 10.04.2023, is hereby recalled and the conditions imposed by the learned Judicial Magistrate No.IV, Thoothukudi, is hereby restored.

5.Accordingly, the Criminal miscellaneous petition is ordered.

sd/-
24/07/2024

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/08/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rts

TO

1 THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3 THE INSPECTOR OF POLICE, CYBER CRIME POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.



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4 THE OFFICER INCHARGE, SPECIAL CAMP, KOTTAPPATTU REFUGEE CAMP,
TRICHY.

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

ORDER

IN

CRL MP(MD) No.6000 of 2024

IN

CRL OP(MD) No.6520 of 2023

Date :24/07/2024

RS/JGB/SAR-(09.08.2024) 4P 6C

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