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

Monday, the Twenty First day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and
The Hon`ble Ms.Justice R. POORNIMA

Crl.M.P(MD)Nos.10435, 11240 & 10677 of 2024
in
Crl.A (MD) Nos.952, 964 & 990 of 2023

JOHNSON KUMAR	... PETITIONER/ APPELLANT/ ACCUSED 3 IN CRL MP(MD)NO.10435/2024
NATTAMAI @ NATARAJAN	... PETITIONER/ PETITIONER/ APPELLANT IN CRL MP(MD)NO.11240/2024
SENTHIL	... PETITIONER/ PETITIONER/ APPELLANT IN CRL MP(MD)No.10677/2024

Vs

THE INSPECTOR OF POLICE, SAMAYAPURAM POLICE STATION, TRICHIRAPALLI. (CRIME NO.665 OF 2015)	... RESPONDEN/RESPONDENT/COMPLAINANT in ALL THE PETITIONS
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Prayer in CRL MP(MD). 10435/ 2024 :

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 by this Hon'ble Court in Crl.M.P(MD)No.15033 of 2023 in Crl.A (MD)No.952 of 2023 vide its order dated 05.07.2024.



PRAYER in CRL A(MD)No.952 of 2023:

To call for the records and set aside the judgment and sentence dated 25.09.2023 in S.C.No.245 of 2018 on the file of the Learned II- Additional District & Sessions Judge, Trichirapalli.

Prayer in CRL MP(MD). 11240/ 2024 :

To relax the condition imposed by this Honble Court in Crl.MP(MD) No. 17955/2023 in Crl.A(MD) No. 964/2023 dt. 24.07.2024 on the file of this Honble Court.

PRAYER IN Crl.A(MD)No.964 of 2023:

To call for the records in S.C.No.245 of 2018 on the file of the Learned II Additional District and Sessions Judge, Tiruchirappalli, and set aside the order of conviction and sentence dated 25.09.2023.

Prayer in CRL MP(MD). 10677/ 2024 :

To relax the condition imposed by this Honble court in Crl M.P (MD)No. 15711 of 2023 in Crl A (MD) No. 990/2023 dt. 24.07.2024 on the file of this Honble court

PRAYER IN Crl.A.(MD) No.990 of 2023:

To admit the appeal preferred byt his Appellant/ Accused No.13 and call for the records and set aside the conviction and sentence imposed on the Appellant in S.C.No.245 of 2018 date 25.09.2023 on the file of Learned II Additional District and Sessions Judge, Tiruchirappalli.

Order : These Criminal Miscellaneous Petitions coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.N.R.ELANGO, Senior counsel for M/S.A.S.ASWIN PRASANNA, Advocate for the petitioner in CRL MP(MD)No.10435 of 2024 and Mr.S.SRIKANTH, Advocate for M/S.APN LAW ASSOCIATES, Advocate for the petitioner in CRL MP(MD)No.11240 of 2024 and Mr.G.SETHU SURENDHAR, Advocate for the petitioner in CRL MP (MD)No.10677 of 2024 and of Mr.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent in all the petitions, the Court made the following order:-

The Criminal Miscellaneous Petition in Crl.M.P.(MD) No.10435 of 2024

had been filed seeking to relax the condition imposed by this Court in Crl.M.P.(MD)

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No.15033 of 2023 while granting suspension of sentence, while examining the merits of the Criminal Appeal in Crl.A.(MD)No.952 of 2023. A condition had been imposed by order, dated 05.07.2024 directing the petitioner / A3 in S.C.No.245 of 2018 on the file of the II Additional District and Sessions Court at Trichy to stay at Chennai and report before the Inspector of Police, Esplanade Police Station, Chennai, everyday at 10.30 a.m.

2. Similarly, A4 had filed Crl.M.P(MD)No.11240 of 2024 seeking again to relax the condition imposed while hearing the merits of the Criminal Appeal in Crl.A.(MD)No.964 of 2023 on hearing of which suspension of sentence had been granted in Crl.M.P.(MD)No.175955 of 2023. The condition imposed was also to stay at Chennai and report before the Inspector of Police, Esplanade Police Station, Chennai, everyday at 10.30 a.m. That order was passed on 24.07.2024.

3. A13 in the same sessions case had filed Crl.M.P.(MD)No.10677 of 2024 seeking to relax the condition imposed in Crl.M.P(MD)No.15711 of 2023 in Crl.A.(MD)No.990 of 2023, wherein, by an order dated 24.07.2024 while granting suspension of sentence in the same sessions case, a direction was issued that the petitioner/A13 should stay at Chennai and report before the Inspector of Police, Esplanade Police Station, Chennai everyday at 10.30 a.m. That order was passed on 24.07.2024.



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4. In the affidavit filed in support of the petition by A3 Johnson Kumar, he had stated that he had been complying with the conditions without any default and that he is a resident of Trichy and owing to the condition he has to stay at Chennai which has caused immense hardship to himself and to his family members.

5. In the affidavit filed in support of the petition filed by A4 Nattamai @ Natarajan, he had pleaded that his family members are struggling for day to day livelihood and that unless his condition is relaxed they will be put into irreparable loss and untold hardship.

6. In the affidavit filed in support of the petition filed by A13 Senthil, he had stated that his family members are also struggling for day to day livelihood and that the condition has put them into irreparable loss and hardship and therefore, pleaded that some relaxation can be granted with respect to the condition.

7. We have heard the learned Senior Counsel on behalf of the petitioners and the learned Additional Public Prosecutor on behalf of the respondent.

8. We had sought for a report to be obtained from the respondent Police about the prevailing situation and whether any hostility still prevails in that area.



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9. The learned Additional Public Prosecutor had given oral instructions and in this connection Mr. Anbuselvam, Special Sub Inspector of Police Samayapuram Police Station, Trichy, is also present in Court, had stated that the petitioners are complying with the conditions and also that there is no indication of any prevailing or hostility in that area.

10. Taking into consideration the difficulties expressed by the petitioners owing to complying with the condition and the fact that they are still complying with the conditions from the date of order, we would relax the condition so far as these three petitioners/A3, A4 and A13.

11. Accordingly, the Criminal Miscellaneous Petitions are disposed of with the following direction:

(i) the petitioners shall appear and sign before the II Additional District and Sessions Court, Trichirappalli, in the first working day of every English calendar month at 10.30 a.m., until further orders and if they are not able to appear before the concerned



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Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the concerned Court on any other day in lieu of the date of their absence, as directed by the concerned Court.

sd/-
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/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM

TO

- 1 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, TRICHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION, TRICHIRAPPALLI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ESPLANADE POLICE STATION,
CHENNAI



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ORDER
IN
Crl.M.P(MD)Nos.10435, 11240 & 10677 of 2024
in
Crl.A (MD) Nos.952, 964 & 990 of 2023
Date :21/10/2024

SS/JGB/SAR. /29.10.2024/7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.