



CRL OP(MD) No.21444 of 2023

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21444 of 2023

MOHAMED FAZIL

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR.NO.53/2023

... RESPONDENT/COMPLAINANT

Criminal Original Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Modify the condition that the petitioner shall remain in Special Camp for srilankans at Trichy till the disposal of the case imposed in Cr.M.P.No.1788/2023 passed by the learned Additional District and Sessions Court/Special Court for E.C. and NDPS Act Cases, Pudukkottai dated 04.05.2023.

ORDER : This Criminal Original petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.SARAVANAN, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Crl.Side) on behalf of the Respondent, the Court made the following order:-

This Criminal Original Petition has been filed to modify the condition imposed by the Additional District and Sessions Court/Special Court for E.C. And NDPS Act Cases, Pudukkottai, on the petitioner, in Cr.M.P.No.1788 of 2023 dated 04.05.2023,



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that he shall remain in Special Camp for Sri Lankans at Trichy, till the disposal of the case.

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2. The learned counsel appearing for the petitioner submits that the petitioner is a Sri Lankan and he married one Rakshana Begam, who belongs to Ramanathapuram District on 09.09.2019 and they were blessed with a male child on 25.02.2021. The petitioner is now residing in Ramanathapuram District. While so, the condition imposed by the trial Court on the petitioner that he shall remain in Special Camp for Sri Lankans at Trichy, is not sustainable one. Hence, he prays for modification of the said condition.

3. The learned counsel appearing for the respondent would submit that the condition imposed by the trial Court on the petitioner is to stay in Special Camp for Sri Lankans at Trichy, till the disposal of the case, which is not an onerous condition. Hence, he prays for dismissal of this petition.

4. The prayer sought for in this Criminal Original Petition is to modify the aforementioned condition imposed by the trial Court. The petitioner is a Sri Lankan and there is a chance of absconding. Therefore, the trial Court imposed the condition on the petitioner that he shall remain Special Camp for Sri Lankans at Trichy, till the disposal of the case and it is not an onerous condition. Therefore, this Court is not inclined to modify the condition imposed by the trial Court on the petitioner.



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5. Accordingly, this Criminal Original Petition is dismissed.

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

ssb

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKKOTTAI.

2 THE DEPUTY COLLECTOR, SPECIAL CAMP INCHARGE, TRICHY.

3 THE INSPECTOR OF POLICE, THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+2 CC to M/s.S.MUTHUKUMAR, Advocate (SR-440[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.21444 of 2023

Date :08/01/2024

RS/JGB/SAR-(11.01.2024) 3P 7C

Madurai Bench of Madras High Court is issuing
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