



WEB COPY



Crl.M.P.No.638 of 2025
in Crl.A.No.517 of 2019

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Crl.A.No.517 of 2019

M. NIRMAL KUMAR, J.

This petition has been filed to relax the condition imposed on the petitioner to appear before the XXI Additional City Civil Court, CBI, Cauvery Buildings, Bangalore, once in three months on the first working day of the month at 10.30 a.m., until further orders in Crl.M.P.No.14767 of 2019 in Crl.A.No.517 of 2019 by an order dated 23.10.2019.

2.The petitioner, a retired army person, was convicted by the trial Court, against which, he filed an appeal before this Court in Crl.A.No.517 of 2019. This Court, by an order dated 20.08.2019 in Crl.M.P.No.11474 of 2019 granted suspension of sentence directing the petitioner to appear before the trial Court on the first working day of every English Calendar month. Thereafter, he filed a petition in Crl.M.P.No.14767 of 2019 seeking relaxation of the condition on the ground that the petitioner has shifted his residence to Bangalore and that he is suffering from Cerebro Vascular Accident (Rt MCA stroke) with residual left sided spastic hemiparesis with onset of disability at 62 years of age. Considering the same, this Court by the



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order dated 23.10.2019, modified the condition directing the petitioner to appear before the XXI Additional City Civil Court, (CBI), Cauvery Buildings, Bangalore once in three months on the first working day of that month at 10.30 a.m.

3.The present petition has been filed along with the disability certificate issued by the Command Hospital Air Force, Bangalore. It is seen that the petitioner continues to suffer with the disability and it is not likely to improve. Hence, seeks relaxation of the condition.

4.Mr.N.Baaskaran, learned Special Public Prosecutor (CBI) objected for the same stating that the petitioner unless appears before the trial Court, there are chances of absconding and during the final hearing of the appeal, he may not be available.

5.The learned counsel for the petitioner undertakes that the petitioner will not be a reason for the delay and the appeal would be conducted without any delay.

6.Considering the same and also considering the fact that the petitioner



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was previously served in the Army and is aged about 80 years, this Court is inclined to relax the condition.

7. Accordingly, the condition imposed on the petitioner to appear appear before the XXI Additional City Civil Court, (CBI), Cauvery Buildings, Bangalore once in three months on the first working day of that month at 10.30 a.m., is totally relaxed. All other conditions remain unaltered.

05.02.2025

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