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Crl.MP.No.4758 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.MP.No.4758 of 2026

in

Crl.A.No.1359 of 2024

Biswajit Datta

...Petitioner

Vs.

State rep. by its,
The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
(Crime No.217 of 2009)

...Respondent

Criminal miscellaneous petition filed under Section 528 of BNSS, seeking to relax the condition imposed on the petitioner in Crl.M.P.No.15554 of 2024 in Crl.A.No.1359 of 2024, vide order dated 08.11.2024 viz., “The petitioner shall appear before the trial court on the first working day of every month at 10.30 am. until the disposal of the appeal and if he is not able to appear before the trial court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial court on any other day in lieu of the date of his absence, as directed by the trial court”.

For Petitioner : Mr.S.N.A.Hussainy

For Respondent : Ms.J.R.Archana, GA(Crl. Side)



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ORDER

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Vide order dated 08.11.2024 made in CrI.M.P.No.15554 of 2024 in CrI.A.No.1359 of 2024, this Court had suspended the sentence of imprisonment imposed on the petitioner on certain conditions. This criminal miscellaneous petition has been filed by the petitioner seeking relaxation of one of those conditions.

2. Learned counsel for the petitioner submitted that this Court, vide order dated 08.11.2024, while suspending the sentence of imprisonment imposed on the petitioner, imposed certain conditions and one among such conditions, to be precise, condition at para no.7(iii) is that the petitioner shall appear before the trial court on the 1st working day of every month at 10.30 am. until the disposal of the appeal and if he is not able to appear before the trial court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial court on any other day in lieu of the date of his absence, as directed by the trial court. He further submitted that the petitioner is a native of Tripura and his father is suffering from serious health ailments. Hence, he submitted that it would suffice, if this Court relaxes the condition at para no.7(iii) of the order dated 08.11.2024.



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3. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner has been complying with the condition imposed by this Court without any default for the past sixteen months.

4. In view of the above, this Court is of the considered view that the prayer as sought by the petitioner could be acceded to.

5. Accordingly, the condition insofar as the petitioner's appearance as imposed by this Court at Para No.7(iii) of the order dated 08.11.2024 made in Crl.M.P.No.15554 of 2024 in Crl.A.No.1359 of 2024 alone stands modified to the effect that the petitioner shall appear before the trial Court once in every three months on the first working day of the particular month and if he is not able to appear before the trial court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial court on any other day in lieu of the date of his absence, as directed by the trial court. All other conditions imposed in the order dated 08.11.2024 remain unaltered.



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6. This criminal miscellaneous petition stands ordered accordingly.

13.03.2026

skt

To:

1. The Principal District and Sessions Judge,
Kancheepuram.
2. The Additional District Judge, (Fast Track Court),
Kancheepuram.
3. The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
4. The Public Prosecutor,
Madras High Court.



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A.D.JAGADISH CHANDIRA, J.

skt

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Crl.A.No.1359 of 2024

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