

Selvamani Vs. State Represented by Inspector of Police

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Court : Chennai

Decided On : Jul-06-1989

Reported in : (1989)2MLJ506a

Appellant : Selvamani

Respondent : State Represented by Inspector of Police

Judgement :

ORDER

Janarthanam, J.

1. This is an application filed Under Section 482, Cr.P.C. to dispense with the personal appearance of the petitioner before the Judicial Magistrate II, Kulithalai, pending disposal of CA. No. 158 of 1984.

2. The petitioner was found guilty for an offence under Section 307 I.P.C. convicted thereunder, and sentenced to seven years R.I. by the learned Section Judge, Trichy, in S.C. No. 128 of 1983. Aggrieved by the conviction and sentence, the petitioner filed appeal in CA. No. 158 of 1984 and Crl. M.P. No. 1829 of 1984 to suspend the sentence and to release him on bail. This Court granted him absolute bail without attaching any conditions, on his executing a bond for Rs. 20,000 with two sureties each for like sum to the satisfaction of the J.S.C.M. Kulithalai.

3. Learned Counsel for the petitioner now represents that notwithstanding the fact that no condition was imposed by this Court as regards the appearance of the petitioner before any forum, the Judicial Magistrate II, Kulithalai, is insisting for the personal appearance of the petitioner bimonthly. He also represents that if the petitioner failed to appear as insisted, the Magistrate would issue non-bailable warrant for arrest and production of the petitioner before him.

4. It is beyond one's comprehension as to how the Magistrate could insist on the appearance of the petitioner, far beyond the order of the High Court. The insistence of the appearance of the petitioner does not appear to be warranted and if the Magistrate does so under any misapprehension, it is high time that he desists from such practice. With this observation, this petition is dismissed.

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