



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

Wednesday, the Second day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.1890 of 2016

IN

CRL OP(MD) No.2333 of 2016

1 RAJAMANICKAM

2 J.A. MOSES

3 RAMACHANDRAN @ KUMAR

... PETITIONERS/ACCUSED 1-3

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

SIRUGANUR POLICE STATION,

TRICHY DISTRICT.

CRIME NO. 83 OF 2016

... RESPONDENT/COMPLAINANT

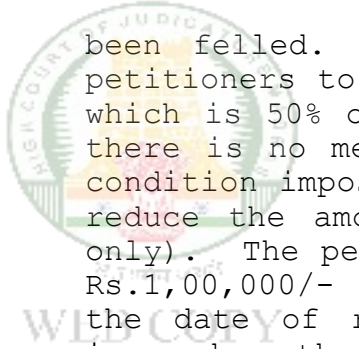
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposed on petitioners in respect to the deposit a sum of money of Rs.1,50,000/- before the Judicial Magistrate Court Lalgudi and disburse the same to defacto complainant as interim compensation in Crl.O.P.(MD). No.2333 of 2016 dt.9.2.2016 in Cr.No.83 of 2016 on the file of respondent police.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S R.S.SIVARAM, Advocate for the petitioner and of MR.A.P.BALASUBRAMANI, Government Advocate (crl.side) on behalf of the Respondent, the court made the following order:-

This Court, by Order dated 09.02.2016, in Cr.O.P.(MD) No.2333 of 2016, directed the petitioners to jointly deposit a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) before the learned Judicial Magistrate, Lalgudi, Trichy District, without prejudice to their defence and on such deposit, the learned Judicial Magistrate, Lalgudi, Trichy District, was directed to disburse the same, as interim compensation, to the de facto complainant. Seeking modification of the same, the petitioners have filed this criminal miscellaneous petition.

2. On reading of the F.I.R., itself, it is seen that the petitioners herein had felled teak trees worth about Rs.3,50,000/- from the lands of the de facto complainant and only on such circumstances this Court imposed such a condition on the petitioners.

3. The learned counsel appearing for the petitioners has relied upon a recent decision of the Hon'ble Supreme Court in **Amarjit Singh v. State (NCT of Delhi)**, reported in **(2009) 13 SCC 769** and contended that in the present case such a condition should not be imposed. It is true that in the present case, a sum of Rs.15,00,000/- was directed to be deposited in F.D.R., based upon the facts and circumstances of the said case. But, in the present case, the total standing trees worth about Rs.3,50,000/- have



been felled. Under such circumstances only, this Court directed the petitioners to deposit a sum of Rs.1,50,000/-, as interim compensation, which is 50% of the total value. Hence, this Court is of the view that there is no merit in this criminal miscellaneous petition to modify the condition imposed on the petitioners. However, this Court is inclined to reduce the amount from Rs.1,50,000/- to Rs.1,00,000/- (Rupees one lakh only). The petitioners are directed to deposit the reduced amount, i.e., Rs.1,00,000/- (Rupees one lakh only) within a period of two weeks from the date of receipt of a copy of this Order. The other conditions imposed on the petitioners herein by this Court remain unaltered

4. Accordingly, this criminal original petition is disposed of.

sd/-
02/03/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, LALGUDI, TRICHY DISTRICT
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE
SIRUGANUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S R.S.Sivaram Advocate SR.No.11930

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ORDER
IN
CRL MP(MD) No.1890 of 2016
IN
CRL OP(MD) No.2333 of 2016
Date :02/03/2016