



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

Tuesday, the Second day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA

CRL MP(MD) No.6363 of 2016
IN
CRL RC(MD) No.111 of 2016

RAMAR @ RAMAKRISHNAN

... PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI.
(CRIME NO. 717/2012)

... RESPONDENT/COMPLAINANT.

Prayer in CRL.MP(MD) No.6363 of 2016:

Petition filed under Section 482 of Cr.P.C. to issue a direction to the V Additional Sessions Judge, Madurai to take on file of the petitioners returned sureties memo and petition dated 20.06.2016 without insisting Solvency Certificate from the petitioner's wife as per orders passed by this Honourable High Court in Crl.R.C.(MD) No. 111 of 2016 and Crl.R.C.(MD) No. 137 of 2016 dated 03.06.2016.

Prayer in Crl RC(MD) No. 111 of 2016:

CRL RC Petition filed under Section 397 r/w 401 & 482 of Cr.P.C. to call for the records pertaining to the order passed in Criminal MP No 377 of 2015 in S.C.No. 361 of 2014 on the file of the Vth Additional Sessions Court, Madurai and quashing the same.

Order: This Criminal Miscellaneous petition is coming on for orders on this day and upon perusing the petition and upon hearing the arguments of M/S R.MURUGAPPAN, Advocate for the petitioner and of M/S.P.KANDASAMY, Government Advocate, on behalf of the Respondent, the court made the following order:-

This petition has been filed seeking a direction to the V Additional Sessions Judge, Madurai to accept the surety memo and petition dated 20.06.2016.

2. This Court, while allowing Crl.R.C.(MD) Nos.111 & 137 of 2016, imposed the following conditions:

"(i) These Criminal Revisions are allowed.

(ii) The common order dated 08.01.2016 passed in Crl.M.P.Nos.376 & 377 of 2015 in S.C.No.361 of 2014, by the learned V Additional Sessions Judge, Madurai is set aside.

(iii) The trial Court will recall the N.B.W. issued



against the revision petitioner.

(iv) There shall be two sureties, they shall be the wife and father of the petitioner and they shall execute a bond for Rs.15,000/- each to the satisfaction of the said Judge."

3. As per the order passed by this Court, the named sureties viz., wife and father of the petitioner have to execute a bond for Rs.15,000/- each to the satisfaction of the learned Judge.

4. Accordingly, the father and wife of the petitioner had appeared before the learned Judge. The petitioner's father has produced ration card and the certificate issued by the Tahsildar for proving his identity. So far as the wife is concerned, it appears that she did not produce solvency certificate and ration card as her marriage took place only on 10.04.2015. However, the birth certificate of the child born to the petitioner has been filed which would clearly prove the identity of the petitioner's wife and establish her status, as the wife of the petitioner/accused. But, the Court below has not accepted the surety memo and returned on the ground that no solvency certificate has been filed. Hence, the petitioner is before this Court.

5. So far as the identity is concerned, since the birth certificate has been filed showing her status, there cannot be a dispute over it. Further, this Court only directed the named sureties to execute a bond and not to produce solvency certificate. Under such circumstances, the Court below ought not to have returned the petition. Therefore, the learned V Additional Sessions Judge, Madurai is directed to accept the surety memo and petition dated 20.06.2016 and to pass further orders in accordance with law.

6. This petition is ordered accordingly.

Sd/-

Assistant Registrar

/ TRUE COPY /

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

TO

- 1 THE V ADDITIONAL SESSIONS JUDGE, MADURAI.
 - 2 THE INSPECTOR OF POLICE, AVANIYAPURAM POLICE STATION, MADURAI.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S R. MURUGAPPAN Advocate SR.No. 41450.

ORDER DATED: 02.08.2016

ORDER

CRL MP(MD) No.6363 of 2016

IN

CRL RC(MD) No.111 of 2016

Giving direction etc.,
as stated within.