

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.29074 of 2017

1.G.Baskaran
2.K.Premkumar

... Petitioners

Vs

State, rep. by
The Inspector of Police,
B-4, High Court Police Station,
Chennai-104.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 11.12.2017 passed in Crl.M.P.No.19590 of 2017 in Crl.M.P.No.16722 of 2017 in C.A.No.322 of 2017 on the file of the learned Principal Sessions Judge, Chennai and extend the time to execute the sureties.

For Petitioner : Mr.V.Regunathan

For Respondent : Mr.C.Iyyapparaj
Addl. Public Prosecutor

O R D E R

This petition has been filed seeking a direction to extend the time to execute the sureties.

2. The petitioners were convicted for the offence under Sections 294(b) and 506(ii) IPC in C.C.No.70 2013 on the file of the learned VII Metropolitan Magistrate Court, George Town, Chennai. Challenging the above said order of conviction and sentence, the petitioners have preferred an appeal before the IV Additional Sessions Court, Chennai and also filed a petition for suspension of sentence. Pending appeal, on 01.11.2017, the lower appellate Court has suspended the sentence with a direction to the petitioners to furnish two sureties within a period of two weeks from the date of receipt of copy of that order.

3. According to the petitioners, the copy application was filed on 01.11.2017 and the copies were made ready only on

20.11.2017 and delivered on 21.11.2017. But, due to some unavoidable circumstances, the petitioners were not able to execute the sureties within a time frame fixed by the lower appellate Court. Hence, they filed a petition seeking for extension of time. The lower appellate Court dismissed the same stating that the petitioners have received the copy of order on 21.11.2017 and they filed the petition only on 08.12.2017 and no reason has been given for the said delay.

4. Heard the learned counsel appearing for the petitioners and also the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5. Considering the facts and circumstances of the case, already, the lower appellate Court has granted the relief, and suspended the sentence and the petitioners were not able to execute the sureties within the time frame fixed by the lower appellate Court, and in the interest of justice, the order passed by the learned Principal Judge, dated 11.12.2017 in CrI.M.P.No.19590 of 2017 in CrI.M.P.No.16722 of 2017 in C.A.No.322 of 2017 is set aside and the petitioners are directed to furnish sureties within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Original Petition is disposed of.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

rrg

To

1. The Principal Sessions Judge,
City Civil Court,
Chennai-104.
2. The XVIII Additional Sessions Judge
Chennai.
3. The VII Metropolitan Magistrate
George Town, Chennai.

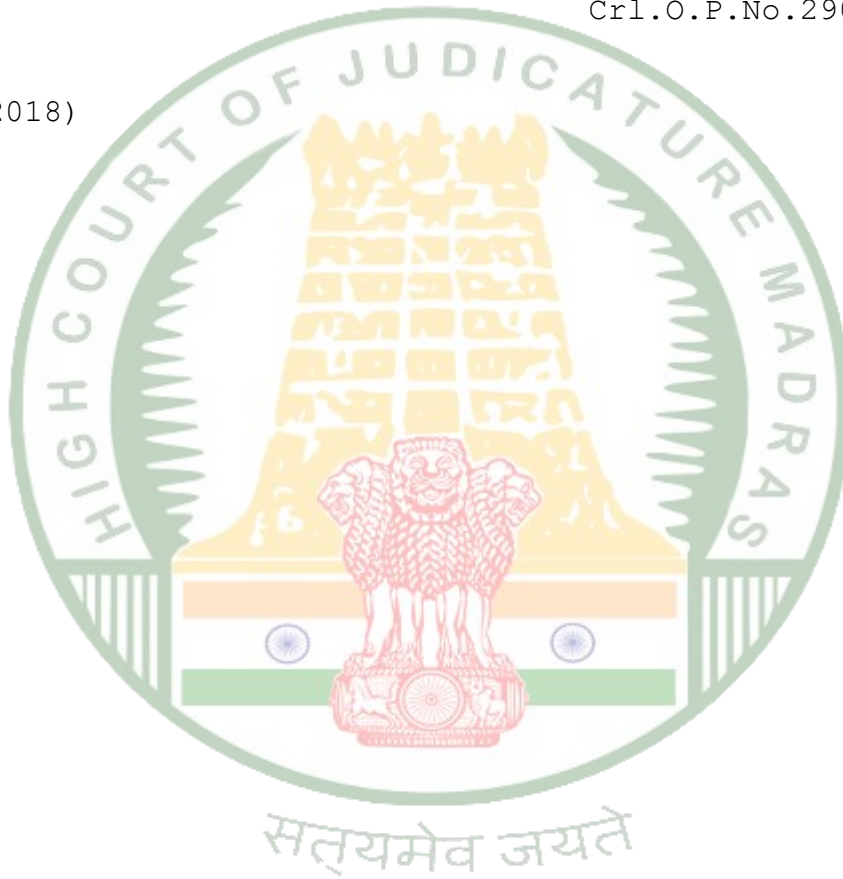
4. The Inspector of Police
B4 High Court Police Station
Chennai 104.

5. The Public Prosecutor
High Court, Madras.

+1 CC to Mr.M.V. Ragunathan, Advocate sr 92186.

Cr1.O.P.No.29074 of 2017

GJII(CO)
SP(06/02/2018)



WEB COPY