



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.O.P.(MD)No.10768 of 2017

1.Mayandi
2.Velmurugan
3.Karthick
4.Suresh
5.Arumugam
6.Patturanai

... Petitioners

Versus

The State rep. by its
Inspector of Police,
Manur Police Station,
Thirunelveli District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439(1) (b) of Cr.P.C to modify the condition imposed by the learned Principal Sessions Judge, Thirunelveli in Crl.M.P.No.3500/2017 on 08.08.2017 upon the petitioners to deposit Rs.6,000/- each to the credit of Crime No.372 of 2017 on the file of the respondent.

For Petitioner : Mr.L.Shaji Chellan
For Respondents : Mr.A. Ramar
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition is filed to modify the condition imposed by the learned Principal Sessions Judge, Thirunelveli in Crl.M.P.No.3500 of 2017 on 08.08.2017 upon the petitioners to deposit a sum of Rs.6,000/- each to the credit of Crime No.372 of 2017 on the file of the respondent.

2. The learned counsel appearing for the petitioners states that the first petitioner herein is the Lorry driver; the second petitioner is a student; the 3rd and 4th petitioners are coolie workers and 5th and 6th petitioners are house wives respectively. He further stated that they are not having any source of income to deposit the amount as ordered by the Court below. However, the learned counsel for the petitioners agreed to deposit a sum of Rs.2,500/- each to the credit of Crime No.372 of 2017 on the file of the learned Judicial Magistrate No.V, Thirunelveli, without save and secure in their contentions and also to show their bonafides in defence.



3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners caused damage by setting fire on the house of the de facto complainant and household articles and the two wheeler of the de facto complainant worth about Rs.50,000/-. He would further state that the petitioners were directed to deposit a sum of Rs.6,000/- each, as per the order passed by the learned Principal Sessions Judge, Thirunelveli, is onerous and not reasonable one.

4. Considering the facts and circumstances of the case and also considering the charges against the petitioners damaging the household articles and that the learned counsel appearing for the petitioners voluntarily agreed to deposit a sum of Rs.2,500/- each, the condition "c" of the order passed in CrI.M.P.No.3500 of 2017, dated 08.08.2017, by the learned Principal Sessions Judge, Thirunelveli is modified as follows:-

"c. Each of the petitioners shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) each to the credit of Crime No.372 of 2017 on the file of the learned Judicial Magistrate No.V, Thirunelveli and the said amount has to be kept in CrI.C.D to be decided in trial."

The remaining conditions shall stand unaltered.

5. The Criminal Original Petition is ordered accordingly.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Principal Sessions Judge, Thirunelveli.
- 2.The Judicial Magistrate No.V, Thirunelveli
- 3.Do Thro' The Chief Judicial Magistrate, Tirunelveli.
- 4.The Inspector of Police,
Manur Police Station, Thirunelveli District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.L.Shaji Chellan, Advocate SR.No. 28948

CrI.O.P.(MD)No.10768 of 2017
18.08.2017