

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2018

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.R.C.No.662 of 2018

Muthuvali

..Petitioner

Vs.

S.S.Ravichandran

...Respondent

PRAYER: Criminal Original Petition is filed under Section 397 and 401 of the Code of Criminal Procedure to call for the records in Crl.M.P.No.1882 of 2018 in Crl.A.No.17 of 2018, pending on the file of the Sessions Judge Court, Kancheepuram, Chengalpattu and to modify the condition imposed by the learned Vacation Sessions Judge, Kancheepuram District, Chengalpattu to deposit the amount of Rs.1,87,500/- before the trial Court passed in the order dated 10.05.2018 made in Crl.M.P.No.1882 of 2018 passed in the petition for Suspension of Sentence, by the learned Vacation Sessions Judge of Kancheepuram District, Chengalpattu.

For Petitioner

: Mr.R.Sasikumar

For Respondent

: Mrs.S.Thankira

Government Advocate (Crl.side)

ORDER

This revision petition has been filed against the order dated 10.05.2018 in Crl.M.P.No.1882 of 2018 in Crl.A.No.17 of 2018, pending on the

file of the Sessions Judge Court, Kancheepuram, Chengalpattu and to modify

the condition imposed by the learned Vacation Sessions Judge, Kancheepuram District, Chengalpattu, to deposit the amount of Rs.1,87,500/- before the trial Court.

2. The learned counsel for the petitioner would submit that the petitioner is seeking to suspend the sentence imposed on him in C.C.No.58 of 2013, dated 07.04.2018 on the file of the Judicial Magistrate No.II, Chengalpattu. The learned Judicial Magistrate No.II, Chengalpattu, convicted the accused against which, he preferred an appeal before the lower Appellate Court vide Crl.A.No.17 of 2018 and filed the suspension of sentence in Crl.M.P.No.1882 of 2018. The lower Appellate Court suspended the sentence on condition that the petitioner should deposit a sum of Rs.1,87,500/- before the trial Court within one month i.e., on or before 10.05.2018. Aggrieved by the said order, the petitioner filed the present revision before this Court.

3. Perusal of records discloses that this Court by its order dated 11.06.2018 has held as follows:

"As against the conditional order in the appeal, the convicted petitioner is before this Court and conditional order of stay was granted by the Lower Appellate Court, directing the petitioner to deposit of Rs.1,87,500/- within one month.

According to the learned counsel for the petitioner, it is an onerous condition. Time is extended by eight weeks to deposit the said amount, failing which, the interim stay will automatically vacated."

However, till date, the amount was not deposited by the petitioner.

4. Since the petitioner has not deposited the amount till date, as per the above order, the interim stay granted by this Court got automatically vacated. In view of the same, the order of the lower appellate court dated 10.05.2018 would get revived, meaning thereby, the consequences mentioned therein would follow.

5. Accordingly, this revision petition is dismissed.

10.10.2018

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M.DHANDAPANI, J.
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To

1. The Sessions Judge Court,
Kancheepuram,
Chengalpattu.
2. The learned Vacation Sessions Judge of Kancheepuram District,
Chengalpattu.



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