

Crl.M.P.No.9586 of 2016
in Crl.A.No.1696 of 2003

M.V.MURALIDARAN, J.

Pursuant to the order dated 28.10.2011 passed by this Court in Crl.A.No.1696 of 2003, there is no progress in the proceedings as ordered by this Court in the above appeal.

2 The petitioner, who is the complainant, has filed this miscellaneous petition seeking a direction to the learned Judicial Magistrate II, Pollachi, to comply with the direction issued by this Court in Crl.A.No.1696 of 2003, dated 28.10.2011, securing the accused and make him to pay the compensation and to undergo the remaining period of imprisonment.

3 This Court by an order dated 12.01.2018, directed the learned Judicial Magistrate II, Pollachi, to file a report in respect of compliance of the order dated 28.10.2011 made in Crl.A.No.1696 of 2003. The learned Magistrate vide letter dated 03.02.2018, informed this Court, that the order dated 28.10.2011 was not received by them and vide office note dated 20.11.2017, direction was issued to the police to secure the accused and accordingly the police also informed them that securing of the accused is in progress. It was

also informed to this Court that the records in C.C.No.327 of 2000 were not received by the Magistrate, which was sent to this Court, and they have sent a letter dated 22.01.2018 requesting to send back the same.

4 When the matter was taken up for hearing, the Inspector of Police informed this Court that they have secured the accused and also produced before this Court. The accused, who has appeared as party in person, informed this Court that he has paid the compensation amount of Rs.1,25,000/- as ordered by this Court and seeks to set aside the order of imprisonment for a period of four months. The accused has filed an affidavit to that effect without filing any petition, which this Court is unable to accept and the same is rejected.

5 Though the accused appeared as party in person, this Court is unable to modify the order dated 28.10.2011, until the accused makes an appeal before the concerned appellate forum. Hence the learned Judicial Magistrate II, Pollachi, is directed to proceed as per the order dated 28.10.2011 made in Crl.A.No.1696 of 2003. Accordingly the miscellaneous petition is closed.

28.03.2018

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