

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Third day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.15147 of 2018

in CRL.RC.NO.901/2018

P.RAJESHKUMAR,

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE OF TAMIL NADU,
REP.BY DEPUTY DIRECTOR,
INDUSTRIAL SAFETY
AND HEALTH, ARIYALUR.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to modify the order dated 16.08.2018 made in Crl.M.P.No.10260 of 2018 in Crl RC No.901 of 2018 in so far as to the condition to deposit a sum of Rs.3,00,000/-.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.A.PADMANABAN, Advocate for the petitioner and of Mr.G.HARIHARA ARUNSOMASHANKAR, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Earlier, This Court has passed an order on 16.08.2018, inter alia imposing a condition to deposit a sum of Rs.3,00,000/- to the credit of C.C.No.5 of 2016 on the file of the Chief Judicial Magistrate Court, Ariyalur.

2. According to the petitioner, he does not have sufficient financial strength to comply with the condition imposed by this Court. Therefore, he has come up with the present petition to modify the order dated 16.08.2018.

3. According to the averments contained in the affidavit filed in support of the present petition, the petitioner had already paid a sum of Rs.6,00,000/- to the family members of the deceased and also paid a sum of Rs.1,50,000/- towards fine amount ordered by the Trial Court. According to the petitioner, he was having only cottage industry and he was not able to generate much income from the said industry.

4. This Court has directed the local police to investigate into the averments contained in the affidavit in regard to the financial resources of the petitioner. In response to the direction, a report was

filed on 02.12.2018 and the same has been produced before this Court. According to the report of the Inspector of Police, Thirumanur, Ariyalur District, it appears that the petitioner does not have enough financial support and there appears no proper means to the petitioner. He lives in the joint family occupied by several of his relatives.

5. Taking note of the report of the Inspector of Police and considering the financial status of the petitioner, the order passed by this Court on 16.08.2018, is modified as follows.

"Instead of depositing a sum of Rs.3,00,000/-, the petitioner is directed to deposit only a sum of Rs.75,000/- to the credit of C.C.No.5 of 2016 on the file of the Chief Judicial Magistrate Court, Ariyalur, within a period of four weeks from the date of receipt of a copy of this order."

6. This Criminal miscellaneous petition is ordered accordingly.

-sd/-
03/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
COURT, ARIYALUR.

2 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, ARIYALUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY DIRECTOR,
INDUSTRIAL SAFETY AND HEALTH,
ARIYALUR.

5 THE INSPECTOR OF POLICE,
THIRUMANUR,
ARIYALUR DISTRICT.

+1 C.C. to M/S.A.PADMANABAN Advocate on payment of necessary charges-Sr.22923

Order

in
CRL MP.15147/2018
in CRL.RC.NO.901/2018

Date :03/12/2018

From 7.2.2001 the Registry is issuing certified
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