

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Third day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.15654 of 2018

IN CRL A.534/2018

1 BABU @ GOPALAKRISHNAN

[PETITIONERS / APPELLANTS /
A1 TO A3]

2 UMADEVI

3 KAVITHA

Vs

STATE REP. BY

[RESPONDENT]

DEPUTY SUPERINTENDENT OF POLICE,
UDHAGAMANDALAM,
OOTY TOWN G.I.P.S.
CR.NO.105 OF 2013

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.534/2018 of on the file of the High Court, the High Court will be pleased to grant stay of payment of compensation of Rs.40,000/- each to PW.1 N.Mariyasamy and PW.2 M.Jayalakshmi awarded in S.C.No.16 of 2015 dated 21.08.2018 on the file of Sessions Judge of Magalir Neethi mandram Mandram (FTMC), Udhagamandalam at Nilgiris pending disposal of CRL A.534/2018 [IN CRL.MP.NO.15654 OF 2018]

Order : This petition coming on for orders upon perusing the petition and Memorandum of Grounds in CRL A.534/2018 of On the file of the High Court and upon hearing the arguments of M/S.K.V.SRIDHARAN, Advocate for the petitioner, and of MRS.V.SARATHADEVI Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

This is a petition seeking to stay the payment of compensation of Rs.40,000/-, awarded in Sessions Case No.16 of 2015, by the Sessions Judge, Magalir Neethimandram (FTMC), Udhagamandalam at Nilgiris, vide order dated 21.08.2018.

2.Heard the learned counsel for the petitioner and Mrs.V.Sarathadevi, the learned Government Advocate for the respondent.

3.The petitioners herein are accused 1 to 3 in Sessions Case No.16 of 2015, on the file of the Sessions Judge, Magalir Neethimandram (FTMC), Udhagamandalam, at Nilgiris. They were convicted under Section 498-A r/w. Section 34 of the Indian Penal Code and also under Section 306 r/w. Section 34 of the Indian Penal Code. Fine amount of Rs.80,000/- was also imposed. Apart from that a sum of Rs.40,000/- was also ordered towards compensation, to be paid to P.W.1 and P.W.2.

4.Considering the facts and circumstances of the case and also taking note of the objections raised by the learned Government Advocate, this Court is of the considered view that there is no merit in this petition and there is no necessity to stay the compensation imposed in S.C.No.16 of 2015. Accordingly, this petition stands dismissed.

-sd/-

23/11/2018

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 SESSIONS JUDGE OF
MAGALIR NEEDHI MANDRAM [FTMC],
UDHAGAMANDALAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
UDHAGAMANDALAM,
OOTY TOWN G.I.P.S.

C.C. to M/S.K.V.SRIDHARAN Advocate on payment of necessary charges

Order

in
CRL MP.15654/2018

in
CRL A.534/2018

Date :23/11/2018

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MR.27/11/2018