



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.153 of 2018

IN

CRL OP(MD) No.15494 of 2017

1 MUTHUSAMY

2 MALAIYANDI

3 PASUPATHI

4 PRABHAKARAN @ PRABHU

... PETITIONERS / PETITIONERS

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION, DINDIGUL DISTRICT.
(CRIME NO.284 OF 2017)

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition imposed in the above Crl.O.P.(MD)No.15494 of 2017 dated 19.12.2017 in so far as the deposit of a sum of Rs.3.00 lakhs by the petitioners is concerned.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.B.JAMEEL ARASU, Advocate for the petitioner and of Mr.SUYAMBULINGA BHARATHI Govt. Advocate (Crl. Side) on behalf of the Respondent, Mr.JOSEPH THATHEUS JEROME, Advocate for the Intervenor, the court made the following order:-

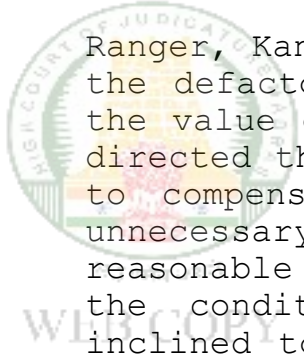
This petition has been filed to modify the condition imposed in Crl.O.P(MD)No.15494 of 2017, dated 19.12.2017 in so far as the deposit of Rs.3,00,000/- by the petitioners is concerned.

2.Heard both sides.

3.Earlier, this Court, by an order, dated 19.12.2017 made in Crl.O.P(MD)No.15494 of 2017, directed the petitioners to deposit a sum of Rs.3,00,000/- to the credit of Crime No.284 of 2017 on the file of the learned Judicial Magistrate No.III, Dindigul, without prejudice to their defence before the trial Court. Now, the petitioners seek to modify the said condition. On 29.11.2017, this Court directed the Forest Ranger, Kannivadi, to inspect the property in the presence of the petitioner and the defacto complainant and directed to submit a report.

<https://hcservices.ecourts.gov.in/hcservices/>

4.from the perusal of the report submitted by the Forest



Ranger, Kannivadi, it is seen that the trees which were removed from the defacto complainant's land is worth about Rs.1,53,929/-. Being the value of the property is worth about Rs.1,53,929/-, this Court directed the petitioners to deposit a sum of Rs.3,00,000/- in order to compensate the loss sustained to the defacto complainant is unnecessary. Hence, the prayer sought for by the petitioners is reasonable and the reasons stated by the petitioners for modifying the condition is also reasonable. Accordingly, this Court is inclined to modify the said condition alone and the same reads as follows:-

"(i) the petitioners shall deposit a sum of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand Only) to the credit of Crime No.284 of 2017, on the file of the learned Judicial Magistrate No.III, Dindigul, without prejudice to their defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner."

5.The Registry is directed to make necessary correction in the order, dated 19.12.2017 and issue fresh order copy.

sd/-

10/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL

2 THE JUDICIAL MAGISTRATE No.III, DINDIGUL

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

3 THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to Mr.M.JOSEPH THATHEUS JEROME, Advocate SR.No.502

JAM/18/01/2018/SMA-VR/ SAR 1/ 2P-7C

ORDER IN

CRL MP(MD) No.153 of 2018

IN

CRL OP(MD) No.15494 of 2017

Date :10/01/2018