



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.11550 & 11551 of 2017
IN
CRL OP(MD) No.14017 & 14018 of 2017

1 MURUGAN
2 ARUNACHALAM

... PETITIONERS/PETITIONERS/
ACCUSED RANK NOT KNOWN
IN BOTH THE PETITIONS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AMBASAMUTHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.

(CRIME NO.87/2017 in CRL MP(MD) No.11550/2017
in CRL OP(MD) No.14017 of 2017

(CRIME No.384/2017 in CRL MP(MD) No.11551/2017
in CRL OP(MD) No. 14018 of 2017

.. RESPONDENT/RESPONDENT/
COMPLAINANT
IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD)NO.11550/2017 IN CRL OP(MD)NO.14017/2017 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Modify the one of the conditions of depositing of Rs. 1,25, 000/- to the credit of Cr No. 87/2017 on the file of the Inspector of police Ambasamuthiram police station Tirunelveli district and subsequent disbursement of the same to the defacto complainant forthwith imposed on the Petitioners while releasing them on bail in connection with the said case in Crl.O.P.(MD) No.14017/2017 dated 23.10.2017 on the file of this Honourable Court and pass such further or other orders as this Honourable Court.

Prayer in CRL MP(MD). 11551/ 2017 IN CRL OP(MD)NO.14018/2017:

To Modify the one of the conditions of depositing of Rs. 1,25, 000/- to the credit of Cr No. 384/2017 on the file of the Inspector of police Ambasamuthiram police station Tirunelveli district and subsequent disbursement of the same to the defacto complainant forthwith imposed on the Petitioners while releasing them on bail in connection with the said case in Crl.O.P.(MD) No.14018/2017 dated 23.10.2017 on the file of this Honourable Court and pass such further or other orders as this Honourable Court.



M/S.S.PALANI VELAYUTHAM, Advocate for the petitioners in both the petitions and of MR.K.S.DURAI PANDIAN, Additional Public prosecutor for the Respondent in both the petitions the court made the following order:-

These Petitions have been filed to modify one of the conditions imposed by this Court, vide order dated 23.10.2017, made in CrI.O.P. (MD)Nos.14017 and 14018 of 2017 viz., directing the petitioners to deposit Rs.1,25,000/- each to the credit of Crime Nos.87 and 384 of 2017 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District, and subsequent disbursement of the same to the de-facto complainant forthwith.

2.The learned Additional Public Prosecutor submitted that the petitioners and other accused persons damaged the banana trees belonging to the de-facto complainant. He further submitted that this Court, vide order dated 23.10.2017, in CrI.O.P.(MD)Nos.14017 and 14018 of 2017 viz., directed the petitioners to deposit Rs.1,25,000/- each to the credit of Crime Nos.87 and 384 of 2017 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District, and directed the trial Court to disburse the said amount to the de-facto complainant forthwith. He also submitted that the investigation is pending.

3.The learned counsel appearing for the petitioners submitted that if the amount is disbursed to the de-facto complainant, in case the cases ended in acquittal, the petitioners could not recover the same from the de-facto complainant.

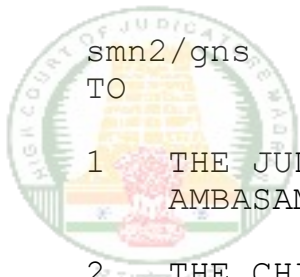
4.Considering the submissions made by the learned counsel on either side revealed that at the time of alleged occurrence totally 300 banana trees were damaged by the petitioners and other accused. So this Court, vide order dated 23.10.2017, in CrI.O.P.(MD)Nos.14017 and 14018 of 2017 viz., directed the petitioners to deposit Rs.1,25,000/- each to the credit of Crime Nos.87 and 384 of 2017 on the file of the Judicial Magistrate Court, Ambasamudram, Tirunelveli District, and directed the trial Court to disburse the said amount to the de-facto complainant forthwith and that the investigation is pending, this Court is of the view that if the amount is disbursed to the de-facto complainant, it may prejudice the rights of the petitioners, in case the cases ended in acquittal. Hence, the direction issued by this Court in the earlier order dated 23.10.2017, made in CrI.O.P.(MD)Nos.14017 and 14018 of 2017, with regard to disbursement of the said amount to the de-facto complainant alone is deleted and other portions of the order shall stand unaltered.

sd/-

03/01/2018

/ TRUE COPY

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



smn2/gns

TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE, AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

+1. C.C. to M/S.S.PALANI VELAYUTHAM Advocate SR.No.149

ORDER

IN

CRL MP (MD) No.11550 & 11551 of 2017

IN

CRL OP (MD) No.14017 & 14018 of 2017

Date : 03/01/2018

SMN2/GNS

SMA/RR/SAR-3-5.1.18-3P-7C