



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.VELMURUGAN

CRL MP (MD) No.9563 of 2018

IN

CRL RC (MD) No.542 of 2017

M.S.ANVARULLA

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED

Vs

VELMURUGAN OIL STORE
REP.BY ITS PROPRIETOR,
S.MANIKANDASAMY.

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to extend the time for depositing the sum of Rs.75,000/- for complying the order dated 13.09.2017 in Crl.MP(MD)No. 8339 of 2018 in Crl.RC.No. 542 of 2017 on the file of this Honourable Court.

Prayer in CRL RC(MD). 542/ 2017 :

Criminal Revision Case filed under Section 397 r/w 401 and 482 of the Code of Criminal Procedure, praying to call for the records and to set aside the condition No.1 of the order passed by the Principal Sessions Judge, Dindigul in Crl.M.P.No.709 of 2017 in C.A.No.46 of 2017 in C.C.No.5 of 2015, dated 19.6.2017, on the file of the Judicial Magistrate(Fast Track Court), Palani.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.RAMASAMY, Advocate for the petitioner, the court made the following order:-

During the pendency of the appeal in CA No.46 of 2017, the learned Principal Sessions Judge, Dindigul, suspended the sentence of the petitioner on condition that he should deposit a sum of Rs.75,000/- on or before 18.07.2017.

2.Aggrrieved by the conditional order, the petitioner had filed a revision case in Crl.R.C.No.542 of 2017 before this Court and by order dated 13.07.2017, this Court had dismissed the revision, but at the same time, granted eight weeks of time to deposit the amount as directed by the appellate Court.

3.Subsequently, the petitioner had filed Crl.M.P.(MD) No.8339 of 2017 before this Court on 07.09.2017, seeking extension of time



to deposit the money and this Court by order dated 13.09.2017, extended the time to deposit the money for a further period of four weeks.

4. The learned Counsel for the revision petitioner would submit that when the revision petitioner approached the Office of the Principal Sessions Judge, Dindigul, for depositing the amount, as directed by this Court, the same was refused to be received by the Office of the Principal Sessions Judge, Dindigul, stating that the time granted by this Court had already lapsed. Hence, he has filed the present CrlMP(MD)No.9563 of 2018 seeking for extension of time once again.

5. Heard the learned Counsel for the revision petitioner and perused the materials placed on record.

6. On a perusal of the records would show that the revision petitioner had already filed an MP in CrlMP(MD)No.10022 of 2017 before this Court on 01.11.2017, to extend the time to comply with the order dated 13.09.2017 made in CrlMP(MD)No.8339 of 2017 and the same was dismissed by this Court by an order dated 08.11.2017.

7. While being so, the present Crl MP(MD)No.9563 of 2018 is filed seeking for the very same relief. In the present petition, neither the revision petitioner has brought to the notice of this Court about the dismissal of the CrlMP(MD)No.10022 of 2017, nor Registry had cited the dismissal of the same in the return dated 14.11.2018.

8. In view of the suppression of facts and also in view of the order dated 08.11.2018 made in Crl MP(MD)No.1022 of 2017, this petition is not maintainable and the same is dismissed.

9. The Registry is directed to call for explanation from the staff concerned, who took this MP on file and take further action.

10. The Registrar (Vigilance) is directed to enquire in the matter as to whether the staff had obtained bribe from the petitioner and numbered the petition and report to this Court within ten days from the date of receipt of a copy of this order.

sd/-
22/11/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
(FAST TRACK COURT), PALANI.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, DINDIGUL.

3 THE PRINCIPAL SESSIONS JUDGE,
DINDIGUL.

+1. C.C. to M/S.M.VIJAYAKUMARAN Advocate SR.No.21871

COPY TO:

1.THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2.THE REGISTRAR (VIGILANCE CELL)
MADRAS HIGH COURT,
MADRAS.

ORDER
IN
CRL MP (MD) No.9563 of 2018
IN
CRL RC (MD) No.542 of 2017
Date :22/11/2018

JM/VR MMS/SAR 4/26.11.2018/3P/7C