

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.17601 of 2019

IN CRL.R.C.NO.963 of 2019

S.B.PRABHAKAR

[PETITIONER]

Vs

K.MURUGESWARI

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To modify the conditional order of deposit of Rs.1,10,000/- passed in the above Crl.M.P.No.13614/2019 in Crl.R.C.No.963/2019 dated 23.09.2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.D.MURTHY, Advocate for the petitioner, and of (No Appearance) on behalf of the Respondent, the court made the following order:-

The learned counsel appearing for the petitioner would submit that this Court on 23.09.2019, while granting suspension of sentence and exempting the petitioner from surrendering, has directed the petitioner to deposit Rs.1,10,000/- before the Trial Court and on such deposit directed the trial Court to redeposit the said amount in the fixed deposit account in any nationalized bank.

2. He would submit that the respondent/complainant had filed a suit in O.S.No. 187/2017 in respect of the very same claim and obtained a decree. Thereafter, she had also filed an Execution Petition in E.P.No. 27/2018 for recovery of Rs.1,23,719/- and the petitioner has paid the decretal amount and the same has been reported by the bailiff. Thereby the petitioner seeks modification of the conditional order of deposit of Rs.1,10,000/- passed in Crl.MP.No.13614 of 2019 in Crl.R.C.No.963 of 2019 dated 23.09.2019.

3. He would also further submit that the petitioner having already paid the amount is under financial crisis and is unable to mobilise the funds and thereby would seek for modification.

4. This Court considering the submission made by the petitioner, is of the view that the condition No.5(a) needs to be modified and the said condition is modified as follows;

(i) The petitioner shall deposit a sum of Rs.16,500/- (Rupees Sixteen Thousand Five Hundred Only) before the Trial Court, within two weeks from the date of receipt of a copy of this order.

(ii) In the event of the petitioner succeeding the revision, the amount will be refunded to the petitioner. The other conditions remain unaltered.

-sd/-
27/11/2019

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 IV ADDITIONAL DISTRICT JUDGE,
THIRUVALUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALUR. [FOR INFORMATION]

+1 C.C. to M/S.D.MURTHY Advocate on payment of necessary
charges SR.NO.24498

Order

in
CRL MP.17601/2019
in
CRL.R.C.NO.963/2019

Date :27/11/2019

From 7.2.2001 the Registry is issuing certified
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