

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Criminal Jurisdiction)
Date : 24/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL MP(MD) . No.6657 of 2019
in
CRL OP(MD) . No.2784 of 2019

M.Mariya Selvam

...Petitioner/Petitioner/
Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Theni District
Crime No.5/2019

...Respondent/Respondent/
Respondent/Complainant

For Petitioner : M/s.S.N.Subramani, Advocate.

For Respondent : Mr.V.Neelakandan, Government Advocate (Crl.Side)

PETITION FOR TIME EXTENSION Under Sec.482 of Cr.P.C.

PRAYER :-

To extend the time to operation of order made in Crl.MP(MD) No.5658/2019 in Crl.OP(MD)No.2784/2019 dated 26.06.2019 in Cr.No.5/2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petition has been filed to extend the time granted by this court in Crl.MP(MD)No.5658/2019 in Crl.OP(MD)No.2784/2019 dated 26.06.2019, for producing the sureties and for executing the bail bond.

2. The learned counsel appearing for the petitioner would submit that this Court by the order dated 26.06.2019 has clearly observed that the petitioner has to surrender and execute bail bond within two weeks from the date of receipt of a copy of the said order and further two weeks time was extended therefrom for depositing the said amount. He further submitted that the petitioner has produced sureties before the learned Judicial Magistrate, Theni enclosing the order dated 26.06.2019 passed in Crl.M.P(MD) No.5658 of 2019 and also the order passed by this Court in Crl.O.P(MD) No.2784 of 2019 dated 25.02.2019. But the learned Magistrate has returned the said surety memo stating that the petitioner should deposit the amount first. The learned counsel for the petitioner

also produced the surety memo filed before the learned Magistrate. Hence he requested to issue suitable direction to the concerned Magistrate.

3. The learned counsel for the intervenor/defacto complainant would submit that inspite of the order passed by this Court in Crl.O.P(MD) No. 2784 of 2019 dated 25.02.2019 the petitioner has not deposited the said amount and executed bail bond and subsequently he has filed Crl.M.P(MD) No.5658 of 2019 and got extension of time and even thereafter he has not deposited the said amount and also executed bail bond within the time extended by this Court. Hence he strongly opposed this petition.

4. A perusal of the endorsement made by the learned Judicial Magistrate, Theni dated 18.07.2019 in the surety memo shows that the Magistrate has returned the surety memo stating that the petitioner should deposit the said amount as per the order passed by this Court. This Court while passing order in Crl.M.P(MD) No.5658 of 2019 dated 26.06.2019 has clearly stated that the petitioner has to surrender and execute bail bond within two weeks from the date of receipt of a copy of that order and thereafter within two weeks he has to deposit the amount. But it appears that the learned Magistrate has misconstrued the said order. The said Magistrate has to follow the order passed by this Court in Crl.M.P(MD) No.5658 of 2019. Further one week time is extended for executing the bail bond from the date of receipt of a copy of this order and further two weeks time is extended therefrom for depositing a sum of Rs.12,40,900/- as a last chance.

sd/-

24/07/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, THENI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.M.KARUNANITHI Advocate SR.No.77477

ORDER IN

CRL MP (MD) No.6657 of 2019

IN

CRL OP (MD) No.2784 of 2019

Date :24/07/2019