

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM

THE HONOURABLE MR. JUSTICE **A. D. JAGADISH CHANDIRA**

Crl.O.P.No.14888 of 2020

1. M.V.Balaji
S/o. Varadappa
2. Mr.Ravikumar
S/o. Subbaiah Chettiar
3. Mr.R.Srinivasan
S/o. Ramadass Chettiar
4. Mr.Arumugam
S/o. Vedagiri
5. Mr.Jayakumar
S/o. Ramadass Chettiar

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Walajabad Police Station,
Walajabad – 631 601.
(Cr.No.1582 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 (1) (b) of Cr.P.C., to modify the condition imposed in Crl.M.P.No.2737 of 2020 in Crime No.1582 of 2020 order dated 09.09.2020 by the learned Principal Sessions Judge, Chengalpattu.

For Petitioners : Mr.A.Ilayaperumal
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

This petition has been filed seeking to modify the condition imposed in Crl.M.P.No.2737 of 2020 in Crime No. 1582 of 2020, dated 09.09.2020, by the learned Principal Sessions Judge, Chengalpattu, wherein, the petitioners were directed to pay an amount of Rs.20,00,000/- as compensation to one Sunilkumar's family.

2 The learned counsel appearing for the petitioners would submit that on the under taking given by the petitioners that they are prepared to pay a sum of Rs.13,00,000/- each to the family/legal representatives of the victims, the learned Judge has granted bail to the petitioners, however, a discrepancy has crept in the order, whereby, in the paragraph, which is prior to the operative portion of the order, it has been wrongly stated that the petitioners should pay an amount of Rs.20,00,000/- as compensation to one Sunil Kumar's family. Admittedly, the petitioners

have agreed to pay a sum of Rs.13,00,000/- each and that the complainant has also not raised any serious objections. He would submit that the petitioners had filed a petition seeking for modification on 15.09.2020, whereas, the learned Judge has returned the petition stating that the petitioners cannot be entertained since the bail is granted with a specific condition and thereby, the present petition has been filed seeking to modify the order.

3 Mr.Anandh, learned counsel, who represents intervener/victim would submit that since because, the family of the victim was not ready to accept an amount of Rs.13,00,000/- as compensation, the learned Sessions Judge has rightly passed the order directing the petitioner to pay a sum of Rs.20,00,000/- as compensation and thereby, the order cannot be modified.

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4 In response to the above submission, the learned counsel appearing for the petitioners would submit that the defacto complainant/intervener did not raise any objection at the stage of the bail

and thereby, the learned Sessions Judge has directed the petitioners to pay the compensation of Rs.13,00,000/- only. He would further submit that it could be seen from the last sentence in Page No. 6 of the bail order, wherein, the learned Sessions Judge had recorded that the defacto complainant has not raised in serious objections. Whiles, the defacto complainant/intervener cannot raised any objection now.

5 Heard the learned counsels and perused the order passed by the learned Judge in Crl.M.P.No. 2373 of 2020, dated 09.09.2020.

6 On a perusal of the records, this Court is of the opinion that some clerical and arithmetical error has crept in in the order. As per Section 362 Cr.P.C, the Court can alter or review the order to correct clerical or arithmetical error. Further, this Court is of the opinion that with regard to the submission made by the learned counsel for the intervener that the objection was made, the learned Judge who passed the order shall be the right person to clarify the same. In view of the above,

the petitioners are directed to re-present the petition filed on 15.09.2020 in Crl.M.P.No.2737 of 2020 in Crime No. 1582 of 2020 and the learned Principal Sessions Judge, Chengalpattu, shall issue notice to all the parties concerned and hear the matter and clarify the same and pass appropriate orders on merits in accordance with law.

7 With the above directions this Criminal Original Petition is ordered.

30.09.2020

dh/dua

To

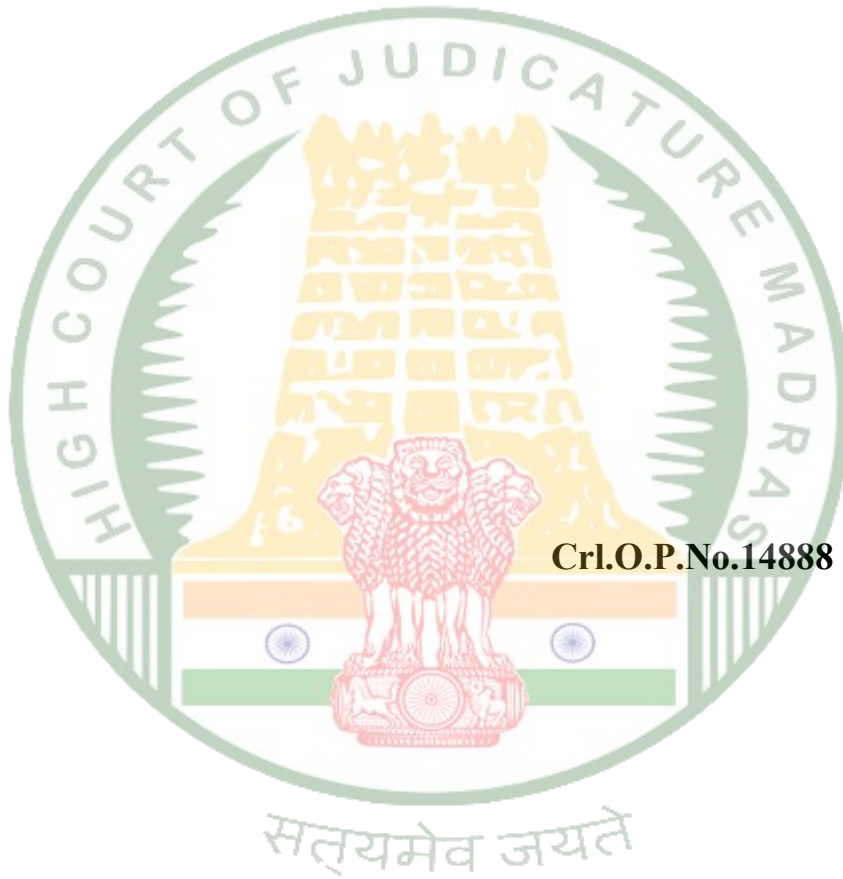
1.The Principal Sessions Court,
Chengalpattu.

2.The Inspector of Police,
Walajabad Police Station,
Walajabad – 631 601.

3.The Public Prosecutor,
High Court of Madras.

A. D. JAGADISH CHANDIRA, J.

dh/dua



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