



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

Date : 21/01/2020

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD). Nos.178 and 179 of 2020
in
CRL OP(MD). No.12499 of 2019

1. KRISHNAPILLAI
2. R.SARAVANAN
3. M.KUMARAVEL
4. RAMESH KRISHNAN

... PETITIONERS/ACCUSED NO.1 TO 4
IN BOTH PETITIONS

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TIRUNELVELI,
TIRUNELVELI DISTRICT
(CRIME NO.27 OF 2019).

... RESPONDENT/COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/s R.Prabhakaran,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.V.Kathirvelu, Senior Counsel
For Mr.M.Prabhu, Advocate.

(in both petitions)

PRAYER in Crl.M.P.(MD)No.178 of 2020 :-

To modify the condition imposed in Crl.OP(MD) No.12499 of 2019 dated 21/11/2019 on the file of the Respondent police

PRAYER in Crl.M.P.(MD)No.179 of 2020 :-

To extend the time granted in Crl.OP(MD)No.12499 of 2019 dated 21.11.2019 on the file of the Respondent Police



COMMON ORDER : The Court Made the following order :-

Heard the learned counsel on either side.

2. These Miscellaneous Petitions have been filed seeking two fold reliefs. In Crl.M.P.(MD)No.179 of 2020, the petitioners seek extension of time granted in the order dated 21.11.2019 in Crl.O.P.(MD)No.12499 of 2019. The prayer made in Crl.M.P.(MD)No.178 of 2010 is for modification of the condition imposed in the said order.

3. The learned counsel for the petitioners / accused states that they have already filed a S.L.P., before the Hon'ble Supreme Court of India, challenging the imposition of the condition.

4. I must observe here that the order passed by this Court on 21.11.2019 is a consent order. Crl.O.P.(MD)No.12499 of 2019 seeking anticipatory bail was originally listed before me on 06.09.2019. An interim protection against arrest was given to the petitioners on 12.09.2019 and the matter was adjourned to 20.09.2019. The matter was thereafter adjourned to 03.10.2019 and thereafter adjourned to 18.10.2019. Again it was adjourned to 24.10.2019. It was then taken up for hearing on 07.11.2019. Then the case was posted on 18.11.2019 and again adjourned to 21.11.2019. On 21.11.2019 the matter was once again taken up.

5. It is relevant to mention here that during all these hearings a highly respected senior counsel from the Madras High Court appeared for the petitioners. Even on 21.11.2019, when certain proposals were made by the learned senior counsel for the defacto complainant, the matter was passed over to enable the counsel on record to instruct the learned Senior Counsel after getting instructions from the petitioners. When the matter was taken up for hearing after being passed over, consent was given to the effect that the sale deeds in question (Document Nos.1633/2019, 1634/2019 and 1638/2019) would be cancelled. In fact, a request was made to me to direct the Sub Registrar, Gangaikondan to take action for acceptance of the cancellation deeds for registering the same. Thus, a consent order was passed by me. The imposition of the condition was based on the consent given by the learned Senior Counsel on instructions from the petitioners herein.

6. Therefore, the petitioners herein have a choice before them. Either they confine the request for extension of time or challenge the order before the Hon'ble Supreme Court. The petitioners have chosen to challenge the order before the Hon'ble Supreme Court. Having chosen to do so, it is only just and proper that the petitioners await the outcome of the said challenge. It is not open to them to parallelly move this Court seeking extension of time.

7. The learned Senior Counsel appearing for the defacto complainant has drawn my attention to the fact that the petitioners have



earlier filed Crl.M.P.(MD).No.10959 of 2019 seeking extension of time and I had granted extension for a period of two weeks.

8. Therefore, I am of the view that these Criminal Miscellaneous Petitions are not maintainable and they are dismissed accordingly.

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

TO

1. THE ANTI LAND GRABBING SPECIAL CELL (ALGSC),
TIRUNELVELI DISTRICT.

2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI,
TIRUNELVELI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.K.PRABHU, Advocate (SR-1021[I] dated 21/01/2020)
+1. C.C. to M/S.R.PRABHAKARAN, Advocate SR.No. 1013

ORDER
IN
CRL MP (MD) . Nos.178
and 179 of 2020
in
CRL OP (MD) . No.12499 of 2019
Date :21/01/2020

PNN
JM/VR/SAR 3/21.01.2020/3P/7C