



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2020

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.502 of 2020

and

Crl.M.P.(MD)No.4502 of 2020

Rajendran

... Petitioner

Vs.

State rep. by The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
Crime No.2 of 2001.

... Respondent

Prayer : This Revision Case is filed under Section 397 and Section 401 of Cr.P.C., to call for the records relating to the impugned order passed by the learned Principal Sessions Judge, Kanyakumari at Nagercoil in Crl.M.P.No.2924 of 2020 in Crl.A.No.22 of 2020, dated 31.07.2020, set aside the same and suspend the sentence imposed on the petitioner in C.C.No.297 of 2006 on the file of the Judicial Magistrate Court No.I, Nagercoil, dated 01.07.2020 and allow the revision petition.

For Petitioner

: Mr.R.J.Karthick

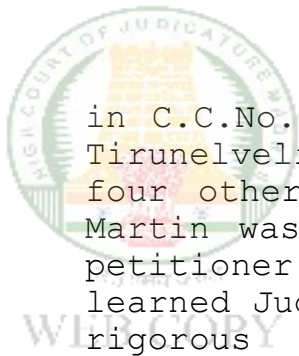
For Respondent

: Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

This revision has been filed to call for the records relating to the impugned order passed by the learned Principal Sessions Judge, Kanyakumari at Nagercoil in Crl.M.P.No.2924 of 2020 in Crl.A.No.22 of 2020, dated 31.07.2020, to set aside the same and to suspend the sentence imposed on the petitioner in C.C.No.297 of 2006 on the file of the Judicial Magistrate Court No.I, Nagercoil, dated 01.07.2020 and allow the revision petition.

2. The case against the petitioner is that the petitioner cheated various persons stating that he would arrange for job in foreign countries and a case in Crime No.2 of 2001 was registered by the District Crime Branch, Nagercoil and the same was taken on file



in C.C.No.297 of 2006 on the file of the Judicial Magistrate No.I, Tirunelveli and the learned Magistrate convicted the petitioner and four other persons. The case against the first accused/ Penadic Martin was split up and was numbered as C.C.No.245 of 2009. The petitioner herein being the third accused was convicted by the learned Judicial Magistrate and was sentenced to undergo three years rigorous imprisonment, under Section 120 (b) I.P.C. and was sentenced to undergo three years rigorous imprisonment under Section 420 I.P.C and he was directed to pay a compensation of Rs.4,58,000/- to the victims. Against the order, the petitioner filed an Appeal in Criminal Appeal No.22 of 2020 and along with the appeal, the petitioner filed a petition for suspension of sentence before the Principal Sessions Judge, Kanyakumari at Nagercoil, in Crl.M.P.No.2924 of 2020. On 31.07.2020, the Principal Sessions Judge, Kanyakumari at Nagercoil passed an order suspending the sentence with a condition that the petitioner has to deposit for a sum of Rs.2,29,000/-, which is half of the compensation amount, on or before 31.08.2020. Against that order, the petitioner preferred this Revision.

3. On the side of the revision petitioner, it is stated that due to the pandemic situation, the petitioner was not able to mobilise money and the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) and prayed the condition to be modified.

4. On the side of the prosecution, it is stated that the the Principal Sessions Judge, Kanyakumari at Nagercoil, has directed the petitioner only to deposit half of the compensation amount i.e. Rs.2,29,000/- and there is no necessity to reduce the deposit amount and prayed the petition to be dismissed.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. The offence against the petitioner is cheating by collecting money from public and for arranging job for them in foreign countries. Eight persons were named as victims. The total amount involved is Rs.4,58,000/-. Though the Principal Sessions Judge, Kanyakumari at Nagercoil, has ordered the petitioner to deposit the amount on or before 31.08.2020, the petitioner has not approached this Court within the time limit. The petitioner has approached this Court only on 02.09.2020.

7. Considering the present pandemic situation and considering the representation raised by both sides, this Court is inclined to allow the revision. Accordingly, this Criminal Revision Case is allowed and the petitioner is directed to deposit a sum of Rs.1,50,000/- before the Judicial Magistrate No.I, Nagercoil, on or before 30.09.2020 and the other conditions imposed by the Principal Sessions Judge, Kanyakumari at Nagercoil, shall remain



unaltered.
closed.

Consequently, connected Miscellaneous Petition is

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

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Sub Assistant Registrar(CS)

Ls

NOTE:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge,
Kanyakumari at Nagercoil.
2. The Judicial Magistrate Court No.I,
Nagercoil,
- 3.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.J. KARTHICK, Advocate (SR-16689[F] dated
11/09/2020)

Crl. R.C.(MD)No.502 of 2020
11.09.2020

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