



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Second day of December Two Thousand Twenty

PRESENT

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

CRL MP(MD). No.4549 of 2020
IN CRL RC(MD).686 of 2011

1. M.Mani
2. M.Meganathan
3. M.Muthusamy ... Petitioner/Accused nos.2,4 and 6.

Vs

- 1 The Inspector of Police,
Narikudi, A.Mukkulam Police Station,
Virudhunagar District.
Crime No.20/2002 ... Respondent/Complainant
- 2 Bose @ Raman ... Respondent/Defacto Complainant

Prayer :-

Petition filed under section 482 of Criminal Procedure Code, praying to extend the time for 2 weeks to surrender and execute the sureties order passed in Crl.RC(MD).No.686/2011 dated 12.07.2019 in Crime No.20 of 2002 on the file of the respondent Police and pass such further or other orders as this Hon`ble Court may fit.

PRAYER IN CRL RC(MD).686 of 2011:

This Criminal Revision is filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Judgment in Crl.A.No.12 of 2007 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, dated 19.07.2011 modified the order of conviction passed by the learned Assistant Sessions Courts, Aruppukottai in S.C.No.22 of 2004, dated 11.01.2007 under Sections 148, 341 and 307 of I.P.C., and set aside the same and consequently acquit the Revision petitioners.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and the earlier order of this Court, and upon hearing the arguments of Mr.T.Lajapathi Roy, for Mr.T.Thirumurugan, Advocate for the Petitioner and of Mr. A.Robinson , Government Advocate for the respondent No.1 and Mr. C.Mayil Vahana Rajendran, Advocate of Respondent No.2, this Court made the following order:



Heard the learned counsel on either side.

2.This miscellaneous petition has been filed for extension of time. As rightly pointed out by the learned counsel for the defacto complainant and the learned Government Counsel, on the face of it this miscellaneous petition does not appear to be maintainable. There is a statutory bar under Section 362 of Cr.PC. But then, it is seen that the petitioners are belonging to Pallar Community, a notified scheduled caste community in Tamil Nadu. It is beyond dispute that they are poor agricultural coolies. I had sentenced one M.Muthukaruppu/A3 to three years rigorous imprisonment. It is stated that he is presently undergoing the sentence in Madurai Central Prison.

2.I had directed the petitioners 1, 3 and 4 in the revision case (A2, A4 and A6) to deposit a sum of Rs.1.00 lakh to be paid as compensation to PW.2. Due to sheer poverty, the said amount could not be mobilized by them. The learned counsel for the petitioner states that they would deposit the amount by next week itself. Taking note of the said submissions, the time for depositing the compensation is extended to 11.12.2020. PW.2 is requested to withdraw the said amount towards compensation.

3.This criminal miscellaneous petition is allowed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

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 District and Sessions Judge,
Virudhunagar District at Srivilliputhur.

2. The Assistant Session Judge, Aruppukottai.



3. The Judicial Magistrate, Aruppukottai,
Virudhunagar District.

4. do through
The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

5. The Superintendent, Central Prison, Madurai.

6. The Inspector of Police,
Narikudi, A.Mukkulam Police Station
Virudhunagar District.

7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.T.Thirumurugan, Advocate SR.No.23811

ORDER DATED : 02/12/2020

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ORDER

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CRL MP(MD). No.4549 of 2020
IN CRL RC(MD).686 of 2011

Giving direction and etc.
as stated within.

SJ(CO)
TR(03.12.2020) 3P 9C