



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.6791 of 2018

and

Crl.M.P.(MD)No.3251 of 2018

M.Amsarajan ... Petitioner/Accused

-VS-

1.The Inspector of Police,
Town Police Station,
Usilampatti,
(Crime No.377 of 2008). ...1st Respondent/Complainant

2.The District Collector,
Madurai District,
Madurai.

3.The Thasildhar,
Usilampatti Taluk,
Usilampatti,
Madurai District. ...2nd &3rd Respondent/Not a party

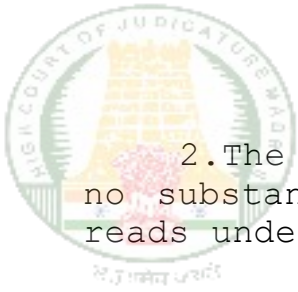
PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records pertaining to the proceedings of impugned warrant issued by the 4th Additional District Judge, Madurai dated 28.11.2016 in S.C.No.63 of 2009, quash the same.

For Petitioner : Mr.P.Pethu Rajesh

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

O R D E R

The petitioner is a life convict. He was also levied with fine of Rs.40,000/- (Rupees Forty Thousand only). To recover the same, the impugned warrant came to be issued. The petitioner challenges the same by contending that failure on his part to pay the fine amount cannot lead to any recovery action because he is a



2.The contention of the learned counsel for the petitioner has no substance in view of Section 70 of IPC. Section 70 of IPC reads under:

"70.Fine leviable within six years or during imprisonment-Death not to discharge property from liability -

The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts."

3.The sentence of imprisonment imposed on the petitioner and the recovery of the fine amount have no relation to each other, except for the purpose of limitation. Therefore, I do not find any ground to interfere with the impugned warrant issued by the fourth 4th Additional District Judge, Madurai dated 28.11.2016 in S.C.No.63 of 2009.

4.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (w)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pnn

To

1.The 4th Additional District Judge, Madurai.

2.The Inspector of Police, Town Police Station,
Usilampatti, (Crime No.377 of 2008).

3.The District Collector, Madurai District, Madurai.

4.The Thasildhar, Usilampatti Taluk, Usilampatti,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



5.Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.P.PETHURAJESH, Advocate (SR-11211[F] dated 11/03/2020
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