



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

Thursday, the Twenty Seventh day of February Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice M. NIRMAL KUMAR
CRL OP(MD). No.17240 of 2019

and

CRL RC(MD). No.2012 of 2002

S. Sathappan ...Petitioner in CRL OP(MD). No.17240 of 2019
...Petitioner/Appellant/Accused in
CRL RC(MD). No.2012 of 2002

Vs

State Through, The Inspector of Police,
South Gate Police Station,
Madurai

...Respondent in CRL OP(MD). No.17240 of 2019

C.T. Somasundaram ...Respondent/Respondent/Complainant
in CRL RC(MD). No.2012 of 2002

Prayer in CRL OP(MD). No.17240 of 2019 :-

Criminal Original Petition is filed under section 438 of Criminal Procedure Code, praying this Hon'ble Court to enlarge the petitioner/Accused on Anticipatory Bail in the event of his arrest or surrender before the concerned court in connection with the Non Bailable Warrant issued in Cr.MP.No.4295 of 2015 in C.C.No.423 of 1998 pending on the file of the Learned Judicial Magistrate, No.IV, Madurai.

Prayer in CRL RC(MD). No.2012 of 2002 :

Criminal Revision Cases is filed under section 397 read with 401 of Criminal Procedure Code against the judgment dated 08.11.2002 made in C.A.No.212 of 2001 on the file of the Additional District and Sessions Judge (Fast Track Court No.III), Madurai confirming the judgment dated 21.11.2001 made in CC.No.423 of 1998 on the file of the Judicial Magistrate, No.5, Madurai.

ORDER:-

These Petitions are coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S.Kanagaraj, Advocate for the Petitioner (in CRL OP(MD). No.17240 of 2019) Mr. I.Saliyagan, Advocate for petitioner in Crl.RC No.2012 of 2002 and of Mr. K.Suyambulinga Bharathi, Government Pleader (Criminal Side) on behalf of the respondents (in CRL OP(MD). No.17240 of 2019), and of Mr. V.R. Shanmuganathan, Advocate for the Respondent in Crl.RC No.2012/2002 this Court made the following order:

Crl.R.C. (MD). No.2012 of 2002 had been listed before this Court. Earlier, when the revision petition was referred by the learned Single Judge of this Court seeking clarification with regard to the applicability of Section 30 of Cr.P.C., the same was referred

to the Division Bench. The Division Bench by order, dated



06.02.2007, had answered with regard to the question posed to it. Thereafter, there is no order with regard to the applicability of the same and disposal of the Criminal Revision Petition. On perusal of the orders, it is seen that as far as Crl.R.C.(MD).No.2012 of 2002 is concerned, the same has not been disposed of on merits.

2.The learned counsel appearing for the petitioner submits that the Criminal Revision Petition has to be heard afresh to put forth his contentions, which seems to be reasonable.

3.Mr.I.Saliya Khan, learned lower Court counsel (Enrolment No.1383 of 1993), Cell No.9894163905, had appeared before this Court and submitted that he is thereafter defending the case on behalf of the respondent / complainant. The respondent / complainant viz., C.T.Somasundaram is present before this Court and acknowledges the same.

4.It is further submitted that the petitioner is ready with a demand draft for a sum of Rs.2,00,000/- being the cheque amount and the respondent / complainant is not willing to accept the same.

5.With regard to Crl.O.P.(MD).No.17240 of 2019, on 22.11.2019, this Court had directed that the non bailable warrant issued against the petitioner to be kept in abeyance and put on hold. On 27.11.2019, this Court extended the interim order already granted by this Court dated 22.11.2019, till the disposal of the main petition. Hence, the protection given to the petitioner is extended till the disposal of the main Crl.O.P.(MD).No.17240 of 2019

6. Registry is directed to post these cases for further hearing on 10.03.2020.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Judicial Magistrate, No.IV, Madurai
- 2 The Judicial Magistrate, No.V, Madurai
- 3 The Chief Judicial Magistrate, Madurai
- 4 Additional District and Sessions Judge
(Fast Track Court No.III), Madurai
- 5 The Inspector of Police, South Gate Police Station, Madurai
- 6 The Additional Public Prosecutor, Madurai Bench of
Madras High Court, Madurai

Copy to: The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai
(To List the matter on 18/02/2020)

ORDER DATED : 27/02/2020
order

CRL OP(MD). No.17240 of 2019 and
CRL RC(MD).No.2012 of 2002

SMA/06/03/2020/2P/8C