

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.10587 of 2021

1. Govindammal
2. Nachimuthu
3. Padmanaban

... Petitioners

Versus

1. Moorthy
2. Kathirvel
3. Chinnamani @ Thirumathal
4. Gandhimathi

- 5.The Sub Inspector of Police,
Kundadam Police Station, Kundadam,
Dharapuram Taluk,
Tiruppur District.
Cr.No.17 of 2004

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Principal District and Sessions Judge, Tiruppur to entertain the implead petition filed by the petitioners in unnumbered C.M.P. in C.M.P.No.172 of 2017 and receive the cost and number the Criminal Appeal filed against C.C.No.100 of 2004, dated 17.03.2015 on the file of the Judicial Magistrate, Dharapuram, Tiruppur District and dispose the same on merits.

For Petitioners: Mr.C.Prakasam

For Respondents: Mr.A.Damodaran for R5
Government Advocate (Cr1.Side)

ORDER

This petition has been filed to direct the Principal District and Sessions Judge, Tiruppur to entertain the implead petition filed by the petitioners in unnumbered C.M.P. in C.M.P.No.172 of 2017 and receive the cost and number the Criminal Appeal filed against C.C.No.100 of 2004, dated 17.03.2015 on the file of the Judicial Magistrate, Dharapuram, Tiruppur District and dispose the same on merits.

2. The first petitioner's husband Late Thirumalaisamy had lodged a complaint against the respondents 1 to 4 and a case in Crime No.17 of 2004 was registered for the offence under Sections 324, 325, 341, 326 and 506(ii) of IPC by the fifth respondent. Thereafter, on conclusion of the investigation, a charge sheet has been filed in C.C.No.100 of 2004 before the Judicial Magistrate, Dharapuram. The Trial Court by its judgment, dated 17.03.2015 had convicted the respondents 1 to 4 and had given lesser punishment. Aggrieved against the same, the petitioners made a representation to the fifth respondent to file an appeal and for enhancement of sentence. The fifth respondent failed to take any action. Thereafter, with a delay of 200 days the first petitioner's husband Late Thirumalaisamy had filed an appeal before the Principal District and Sessions Court, Tiruppur, in CMP.No.172 of 2017 and the same was dismissed on 13.07.2017 for no representation. Against which, the first petitioner's husband said Late Thirumalaisamy had filed Crl.O.P.No.18185 of 2017 before this Court and this Court by the order dated 14.10.2019 condoned the delay on condition that the said late Thirumalaisamy has to pay a sum of Rs.10,000/- to the respondents 1 to 4 and produce a proof of payment. But no action was taken. In the meanwhile, the said Late Thirumalaisamy passed away on 18.06.2019. Thereafter, the petitioners herein being the LRs of Late Thirumalaisamy had filed a petition seeking permission to pursue the appeal. Since the Late Thirumalaisamy failed to comply with the order of this Court and also did not take any effective steps, now the present petition is filed to implead the petitioners in CMP.No.172 of 2017.

3. Considering the above submissions, this Court without going into the merits of the case, directs the petitioners to deposit a sum of Rs.10,000/- as per the order of this Court, dated 14.10.2019, within a period of two weeks from the commencement of normal functioning of the Court. The Principal District and Sessions Court, Tiruppur, shall dispose of the unnumbered CMP filed by the petitioners as LRs of the deceased Thirumalaisamy, within a period of two weeks, thereafter.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Principal District and Sessions Judge,
Tiruppur.
- 2.The Judicial Magistrate,
Dharapuram,
Tiruppur District.
- 3.The Sub Inspector of Police,
Kundadam Police Station, Kundadam,
Dharapuram Taluk,
Tiruppur District.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.10587 of 2021

PCH(CO)
CB(14/07/2021)



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