

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRL.M.P.No.5085 to 5087 of 2021

AND

CRIMINAL REVISION CASE NO.230 of 2021

C.THANGARAJ

[PETITIONER / APPELLANT / ACCUSED]

Vs

V.ARUNACHALAMURTHY

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.230 OF 2021 on the file of the High Court will be pleased to

[i] Exempt the petitioner to surrender pursuant to the sentence imposed in C.A.NO.311 of 2018 dated 19/01/2021 passed by the learned V Additional District & Sessions Judge, Coimbatore whereby confirming the conviction and sentence passed in C.C.NO.159 of 2017 dated 29/06/2018 passed by the learned Judicial Magistrate, Sulur pending disposal of the above CRL.RC.NO.230 of 2021 [IN CRL.MP.5086/2021]

[ii] suspend the sentence imposed by the V additional District & Sessions Judge, Coimbatore whereby confirming the conviction and sentence passed in C.C.NO.159 of 2017 dated 29/06/2018 pending disposal of the above CRL.RC.NO.230 of 2021 [IN CRL.MP.5085/2021]

[iii] call for the records and set-aside the judgement dated 19.01.2021 made in C.A.NO.311 of 2018 in the file of V additional District & Sessions Judge, Coimbatore confirming the Judgement of the learned Judicial Magistrate Sulur, Coimbatore District made in C.C.NO.159 of 2017 dated 29/06/2018 [CRL.R.C.No.230/2021]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.N.UMAPATHI Advocate for the petitioner court made the following order:-

This court by its order dated 23.04.2021 made in CrI.M.P.No.5085 of 2021, has suspended the substantive sentence of imprisonment imposed on the petitioner, on condition to deposit the cheque amount of Rs.4,80,000/- to the credit of C.C.No.159 of 2017 on the file of the learned Judicial Magistrate, Sulur, on or before 31.05.2021.

2. Thereafter, the petitioner sought extension of time, stating that due to pandemic situation, he could not deposit the amount, within the stipulated time. Accordingly, this court, vide order dated 02.06.2021, has extended the time by four weeks to deposit the amount before the Trial Court.

3. It is stated that the petitioner had deposited the amount before the Trial Court, however, the learned Judicial Magistrate has returned the memo, directing the petitioner to get time extension.

4. I have perused the explanation sent by the District Munsif/Judicial Magistrate, Sulur to the Deputy Registrar, Criminal Side, High Court of Madras, wherein it is stated as follows.

" I most humbly submit that as per order of Hon'ble High Court, Madras order cited under reference above, the petitioner namely C.Thangaraj is directed to deposit the cheque amount of Rs.4,80,000/- to the credit of CC No.159 of 2017 on the file of the learned Judicial Magistrate, Sulur on or before 31.05.2021.

I further most humbly submit that the above said petitioner approached this court on 25.06.2021 and filed memo and the same was returned by this court with direction to get time extension."

5. Though the petitioner had deposited the amount and filed a memo before the learned Magistrate, along with the web copy of the Daily status of the High Court, the learned Magistrate has not taken any serious view, and simply returned the memo in a casual manner, which is highly deprecated.

6. However, taking note of the fact that the amount has been deposited, this court is not inclined to take any further action against the learned Magistrate, except recording that 'the act of the Magistrate is not appreciated by this court'. Further, this court directs the Magistrate to be careful in future, particularly in dealing with the orders, considering the life and liberty of the persons.

7. The Registry is directed to communicate this order to the learned Judicial Magistrate, Sulur and place this order before the concerned Portfolio Judge for ACR purpose.

8. With the above directions, this petition is closed.

-sd/-

25/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE,
COIMBATORE

2 THE JUDICIAL MAGISTRATE,
SULUR, COIMBATORE

3 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

COPY TO

THE SECTION OFFICER
CRIMINAL SECTION,
HIGH COURT, MADRAS

THE SECTION OFFICER
B SECTION, HIGH COURT, MADRAS.
(ANNUAL CONFIDENTIAL REPORT TO
COIMBATORE PORT FOLIO JUDGE)

C.C. to M/S.N.UMAPATHI Advocate on payment of necessary charges

Order
in
CRL.M.P.No.5085 to 5087
and
CRL RC.230/2021
Date :25/10/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

APN 15/11/2021