



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

Tuesday, the Sixteenth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1268 of 2021
in
Crl.R.C.(MD)No.28 of 2021

S.ARULANANTHAM

... PETITIONER/ PETITIONER

Vs

R.JOHN RAMESH

... RESPONDENT/ RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Modify the condition No.(ii) and (Vi) of para 5 of the order in Crl.M.P.(MD) No.427 of 2021 in CRL.R.C(MD)No.28 of 2021 dated 25.01.2021.

Prayer in Crl.M.P.(MD) No.427 of 2021 in CRL.R.C(MD)No.28 of 2021

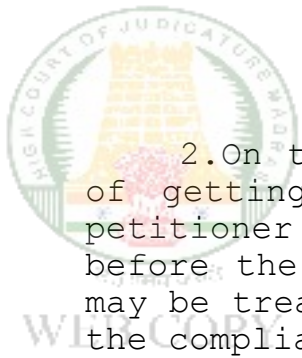
To pass an order suspending the sentence of imprisonment as per the judgment dated 29.10.2020 in Criminal Appeal No.34/2019 on the file of the Additional District cum Sessions Court, Dindigul confirming the judgment CC.No.443/2012 on the file of the Judicial Magistrate Court, Nilakottai, dated 01.10.2018 till the disposal of this Criminal revision.

Prayer in CRL.R.C.(MD) No.28 of 2021:

To call for the records and set aside the order in Criminal Appeal No.34 of 2019 on the file of the Additional District cum Sessions Court, Dindigul, dated 29.10.2020 confirming the judgment CC.No.443/2012 on the file of the Judicial Magistrate Court, Nilakottai dated 01.10.2018 and allow this Criminal Revision with costs.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.H.LAKSHMI SHANKAR, Advocate for the petitioner, and of on behalf of the Respondents the court made the following order:-

This petition has been filed to modify the condition no.(ii) and (vi) of paragraph no.5 of the order in Crl.M.P.(MD)No.427 of 2021 in Crl.R.C.(MD)No.28 of 2021 dated 25.01.2021.



2. On the side of the petitioner, it is stated that at the time of getting suspension of sentence, the learned counsel for the petitioner failed to mention that already two lakhs was deposited before the trial Court. It is prayed that already deposited amount may be treated as deposit in the suspension of sentence petition and the compliance may be recorded.

3. On verification of the records, it is seen that the petitioner has already deposited a sum of two lakhs before the trial Court to the credit of C.C.No.448 of 2012 before the Judicial Magistrate, Nilakottai.

4. In view of the same, this petition is allowed and the conditions are modified as follows:

"(ii) The learned Judicial Magistrate, Nilakottai shall treat the deposited amount in C.C.No.443 of 2012 as deposit in the suspension of sentence petition.

(vi) The learned Judicial Magistrate, Nilakottai shall re-deposit the amount deposited before him to the credit of C.C.No.443 of 2012 in any Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI. R.C.(MD)No.28 of 2021."

sd/-
16/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE ADDITIONAL DISTRICT CUM SESSIONS COURT, DINDIGUL.
- 2 THE JUDICIAL MAGISTRATE, NILAKOTTAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

+1CC to Mr.H.LAKSHMI SHANKAR, Advocate (SR-1053[I] dated 16/02/2021)

ORDER IN
CRL MP(MD) No.1268 of 2021 in
CrI.R.C.(MD)No.28 of 2021
Date :16/02/2021

Mrn
MS/PN/SAR-2/16.02.2021/2P.5C

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