



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.04.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)Nos.181 and 188 of 2021
and
Crl.M.P.(MD)Nos.1957 and 2048 of 2021

Crl. R.C.(MD)No.181 of 2021

Maragadham

.. Petitioner

Vs.

Banumathi

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records and to set aside the order passed in Cr.M.P.No.3004 of 2019 in Crl.A.No.79 of 2019, dated 03.11.2020, on the file of the Additional District and Sessions Judge, Sivagangai.

For Petitioner : Mr.V.Thirumal

For Respondent : Mr.P.Ganapathi Subramanian

Crl. R.C.(MD)No.188 of 2021

Maragadham

.. Petitioner

Vs.

Kathiravan

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records and to set aside the order passed in Cr.M.P.No.3005 of 2019 in Crl.A.No.80 of 2019, dated 03.11.2020, on the file of the Additional District and Sessions Judge, Sivagangai.

For Petitioner : Mr.V.Thirumal

For Respondent : Mr.P.Ganapathi Subramanian



COMMON ORDER

These Criminal Revision Cases have been filed to set aside the order passed in Cr.M.P.Nos.3004 and 3005 of 2019 in Crl.A.Nos.79 and 80 of 2019, dated 03.11.2020, on the file of the Additional District and Sessions Judge, Sivagangai.

2.Heard both sides.

3.On the side of the petitioner, it is stated that the petitioner is a house wife and she could not mobilize the fund and hence, she could not comply the condition imposed by the Additional District and Sessions Judge, Sivagangai. There are points for consideration in the appeal, but, the right of the petitioner is curtailed at the threshold. The Additional District and Sessions Judge, Sivagangai, has cancelled the suspension of sentence without hearing the petitioner. It is further stated that the petitioner is ready to comply the conditions and prayed the petition to be allowed.

4.On the side of the respondent, it is stated that the petitioner may be directed to deposit the entire sum to prove her genuineness.

5.It is seen that the lower Court has suspended the sentence and directed the petitioner to deposit 20% of the compensation amount. Since the petitioner failed to comply the said condition, the suspension order granted by the Additional District and Sessions Judge Sivagangai, was cancelled on 03.11.2020. Against the same, the petitioner filed these Criminal Revisions.

6.It is seen that the petitioner has not complied the condition imposed by the Court below and the reasons stated in the revision petitions are not satisfactory. Even then, for giving an opportunity to the petitioner, the orders of the Additional District and Sessions Judge, Sivagangai, are set aside. The sentence imposed on the petitioner is suspended on the following condition.

(i) the petitioner shall deposit of sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) in each revision petition (Totally Rs.5,00,000/-) before the Judicial Magistrate, Fast Track Court, Karaikudi, within a period of six weeks from the date of receipt of a copy of this order; failing which the order passed by this Court shall stand automatically cancelled.



7. With the above directions, these Criminal Revision Cases are disposed of. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Additional District and Sessions Judge,
Sivagangai.

2. The Judicial Magistrate,
Fast Track Court,
Karaikudi.

3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai (2 copies)

+1 CC to M/s.V.THIRUMAL, Advocate (SR-15053[F] dated 01/04/2021)

Crl. R.C.(MD)Nos.181 and 188 of 2021

and

Crl.M.P.(MD)Nos.1957 and 2048 of 2021

01.04.2021

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