



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Thursday, the Eleventh day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD)Nos.2012 and 2013 of 2021

in CRL RC (MD) No. 438 of 2016

N.Srinivasan ... **Petitioner in both Crl.MPs / Petitioner**

/ VERSUS /

P.R.Raja ... **Respondent in both Crl.MPs/Respondent**

PRAYER IN Crl.MP(MD)No. 2012 OF 2021 :

Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, praying this Court to modify the order dated 04.12.2020 made in Crl.RC.(MD).No.438/2016, on the file of this Honourable Court,

PRAYER IN Crl.MP(MD)No. 2013 OF 2021 :

Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, praying this Court to extend the time for complying the order dated 05.12.2020 made in Crl.RC.(MD).No.438/2016, on the file of this Honourable Court.

PRAYER IN Crl.RC (MD) 438 of 2016 :

Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the judgment in C.A.No.14 of 2015 on the file of the II Additional District and Sessions Judge, Thnjavur, dated 25.02.2016 confirming the conviction and sentence of one year simple imprisonment and direction to pay the cheque amount of Rs.5,00,000/- as compensation in default to undergo three months simple imprisonment imposed by the judgment dated 04.02.2015 in CC No. 27 of 2014 on the file of the Judicial Magistrate, Fast Track Court, Thanjavur and set aside the same by acquitting the accused.

ORDER:- These Criminal Miscellaneous Petitions 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 Thiru.B.Thanga Aravindh, Advocate for the Petitioner, this Court made the following order:

By order dated 04.12.2020, Crl RC(MD)No.438 of 2016 filed by the petitioner herein was disposed of by directing the petitioner to deposit a sum of Rs.5.00 lacs to the credit of C.C No.27 of 2014 on



the file of the Judicial Magistrate, Fast Track Court, Thanjavur within a period of three months from the date of receipt of copy of the order.

2.The learned counsel for the petitioner informs the court that the petitioner had deposited a sum of Rs.3.50 lacs within the stipulated period. He brings to the notice of this Court that when bail was granted, the petitioner was directed to pay a sum of Rs.1.50 lacs vide order dated 24.06.2016 in Crl MP(MD)No.5107 of 2016. He had since complied with the said condition. The said money is remaining in the court deposit. The petitioner wants the said amount to be adjusted.

3.I find the said request to be reasonable. I am of the view that Section 362 of Cr.PC will not be a bar for allowing Crl MP(MD) No.2012 of 2021. Accordingly, Crl MP(MD)No.2012 of 2021 is allowed. Para 9(1) of the order dated 04.12.2020 made in Crl RC (MD)No.438 of 2016 will read as Rs.3,50,000/- instead of Rs.5,00,000/-. Crl MP(MD)No.2013 of 2021 stands closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SKM

TO

1. The Judicial Magistrate, Fast Track Court, Thanjavur.
2. The II Additional District Sessions Judge, Thanjavur.

Copy to:

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 11/03/2021

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ORDER

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CRL MP(MD)Nos.2012 and 2013 of 2021
in Crl RC(MD)438 of 2016

Giving direction and etc. as stated
within.

SGS (CO)

TR(17.03.2021) 2P 4C