



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Friday, the Eighteenth day of June Two Thousand and Twenty One

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PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL MP(MD). No.4060 of 2021

in

CRL RC(MD)No.21 of 2017

C.Karthikeyan

... Petitioner/Petitioner

Vs

T.Jacob Rajan

... Respondent/Respondent

Prayer in CRL MP(MD). No.4060 of 2021:

Criminal Miscellaneous Petition filed under Section 482 of Criminal Procedure Code, to Extend the time limit as granted in Crl.M.P.(MD) No.2799 of 2021 in Crl.R.C.(MD) No.21 of 2017, dated 31/03/2021.

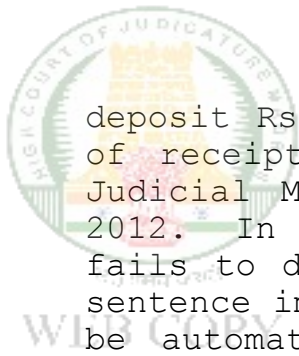
Prayer in CRL RC(MD). 21/ 2017 :

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C., to call for the records and set aside the order passed by the Mahila Fast Track Court, Sivagangai in C.A.No.30 of 2013 dated 30.09.2016 confirming the judgment made in C.C.No.165 of 2012 on the file of the Learned Judicial Magistrate, Karaikudi, dated 11.06.2013.

ORDER:- This Criminal Miscellaneous Petition 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 Mr.M.Solaisamy, Advocate for the Petitioner and of Mr.K.Saravanan, Advocate for the respondent, this Court made the following order:

When the matter came up for hearing, the learned counsel for the revision petitioner submitted that he had been nominated by the Madurai High Court Legal Services Authority to prosecute this revision case.

2. According to the learned counsel for the Revision Petitioner, this revision case itself was disposed of by Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP, on 18.12.2020 with a direction to



deposit Rs.7,00,000/- within a period of eight weeks from the date of receipt of a copy of that order on the file of the learned Judicial Magistrate/ Fast Track Court, Karaikudi in C.C.No.165 of 2012. In the same order, it has been stated that if the petitioner fails to deposit the cheque amount within the stipulated time, the sentence imposed on the revision petitioner by the Courts below will be automatically restored. If the revision petitioner makes the deposit of the cheque amount within the time stipulated above, the sentence imposed on the revision petitioner by the Courts below will not be implemented. With this modification, the criminal revision case was partly allowed.

3. Subsequent to the disposal of the criminal revision case in Crl.R.C.(MD) No.21 of 2017 dated 18.12.2020, the accused /appellant/ revision petitioner moved Crl.M.P.(MD) No.2799 of 2021 in Crl.RC.(MD) No.21 of 2017 seeking for extension of time to deposit the amount. This petition was allowed by Hon'ble Mr.Justice K.Murali Shankar on 31.03.2021, where upon the learned Judge had mentioned that "in view of the above arrangement, the petitioner is directed to deposit a sum of Rs.3,50,000/- on or before 20th April 2021 and the balance amount of Rs.3,50,000/- on or before 31.05.2021 to the credit of C.C.No.165 of 2012 on the file of learned Judicial Magistrate, Karaikudi".

4. Now, the petitioner had moved this Crl.M.P.(MD) No.4060 of 2021 in in Crl.R.C.(MD) No.21 of 2017 seeking further extension, considering the present COVID-19 lock down circumstances, affecting the economy of the individuals as well as the Society and also considering the fact that the petitioner herein and his mother-in-law were affected with Corona and since he had to meet out the expenses for the same, he was unable to pay the balance amount within the specified time. He had already deposited Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) in the Court of the learned Judicial Magistrate /Fast Track Court, Karaikudi.

5. The learned counsel for the respondent/ complainant vehemently objects the grant of extension of time stating that as per the order in Crl.R.C.(MD)21 of 2017, he ought to to have deposited the entire amount within a period of eight weeks from December 2020, which expired by February 2021.

6. Considering the present COVID -19 lock down circumstances, the prayer of the learned counsel for the revision petitioner/ accused is found justified. To prove the bonafides, he had deposited Rs.3,50,000/-. Therefore, time is extended in such a manner that within a period of three months, he had to deposit Rs.3,50,000/-. To show his bonafides, he has to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) within the expiry of June 2021. The balance amount of Rs.1,50,000/- to be deposited within the expiry of July 2021 and Rs.1,00,000/-(Rupees One Lakh only) to be deposited within the expiry of August 2021. It is also made clear



that no further time will be granted in this regard. Failing to comply with the above directions, the sentence imposed on the revision petitioner by the Courts below will be automatically restored. This petition is ordered accordingly.

Sd/-

Assistant Registrar(CS-II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

- 1 The Mahila Fast Track Judge, Sivagangai.
- 2 The Judicial Magistrate, Karaikudi.
- 3 The Chief Judicial Magistrate, Sivagangai.

Copy to:

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

ORDER DATED : 18/06/2021

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ORDER
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CRL MP(MD). No.4060 of 2021
in
CRL RC(MD)No.21 of 2017

Giving direction and etc.
as stated within.

MJ(CO)
TR(28.06.2021) 3P 6C