



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN, J.**

CrI.O.P.(MD)No.9185 of 2021

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1.M/s.Muthulakshmi Spinning Mills (P) Ltd.,
No.41/6, Thailakullam Village,
Srivilliputhur Taluk, Virudhunagar District.
Represented by its Managing Director,
S.Shanmugavel

2.Sri.S.Shanmugavel

3.Smt.S.Kaliammal

4.Sri.S.Shanmugavadivel

5.Sri.S.Sivashanmugavel

... Petitioners/Accused

1 to 5

Vs.

Vinayak Cotton Agencies,
133, Cotton Market,
Rajapalayam - 626 117.
Represented by its Manager,
S.Suriyachandran

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to modify the condition to deposit a sum of Rs.14,56,365/-, before the learned Judicial Magistrate (Fast Track Court), Srivilliputhur, Virudhunagar District, within two months vide order dated 19.05.2021, passed in Cr.M.P.No.1196 of 2021 in C.A.No.71/2021, on the file of the learned vacation Sessions Judge, (Sessions Judge for Special Court for Exclusive trial of cases under POCSO Act), Virudhunagar District at Srivilliputhur.

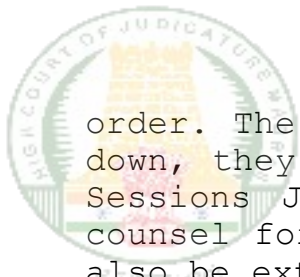
For Petitioners : Mr.A.Thiruvadi Kumar

ORDER

This petition has been filed to modify the condition imposed upon the petitioners by the learned Sessions Judge, (Special Court for Exclusive trial of cases under POCSO Act), Virudhunagar District in Cr.M.P.No.1196 of 2021 in C.A.No.71/2021.

2.Heard the learned counsel for the petitioner.

3. When the matter is taken up for hearing, the learned counsel for the petitioner would submit that the aforesaid Cr.M.P.No.1196 of 2021 has been preferred by the petitioners against the conviction and sentence passed by the trial Court and by order dated 19.05.2021, the learned Judge has imposed a condition that the petitioners shall deposit a sum of Rs.14,56,365/- before the trial Court, within two months from the date of receipt of a copy of that



order. The grievance of the petitioner is that due to COVID-19 lock down, they are not able to mobilise fund as directed by the learned Sessions Judge. Yet another request has been made by the learned counsel for the petitioners that the time to deposit the amount may also be extended. Hence, this petition.

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4.Considering the facts and circumstance of the case and in view of the fact the impugned order came to be passed by the learned Sessions Judge, by taking into account the amount involved in the case and therefore, it may not be proper on the part of this Court to interfere with the same. However, liberty is granted to the petitioners to approach the concerned Court with appropriate application for modification. On such application, the same shall be considered by the Court, after giving notice to all the parties concerned, within a period of 15 days from the date of receipt of a copy of this order.

5.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 Judicial Magistrate (Fast Track Court),
Srivilliputhur, Virudhunagar District

2.The Sessions Judge, (Sessions Judge for Special Court for Exclusive trial of cases under POCSO Act), Virudhunagar District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-22587[F] dated 14/07/2021)

Crl.O.P. (MD)No.9185 of 2021

12.07.2021

ls (CO)

TR(19.07.2021) 2P 5C