



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

Thursday, the Ninth day of December Two Thousand and Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.5231 & 5232 of 2018

IN

CRL RC(MD) No.293 of 2018

KARUPPIAH

... PETITIONER / PETITIONER
IN BOTH PETITIONS

Vs

AZHAGAPPAN

... RESPONDENT / RESPONDENT
IN BOTH PETITIONS

Prayer in CRL MP(MD). 5231 of 2018

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to extend the time of surrender of the petitioner in Cr.M.P.No. 3920/2018 in CrI.R.C.No. 293/2018 dated 06.06.2018 in C.A.No. 87/2017 on the file of the I Additional District & Sessions Judge (PCR), Tiruchirappalli, in C.C.No. 400/2013 on the file of Judicial Magistrate No. VI, Tiruchirappalli.

Prayer in CRL MP(MD). 5232 of 2018 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition to deposit 50% of the compensation amount before the trial court in Cr.M.P.No. 3920/2018 in CrI.R.C.No. 293/2018 dated 06.06.2018.

Prayer in CRL RC(MD) No.293 of 2018:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to admit the Revision petition on file and to call for the records in C.A.No.87/2017 dated 05.04.2018 on the file of the I Additional District & Sessions Judge(PCR), Tiruchirappalli, confirming the judgment in C.C.No.400/2013 dated 28.08.2017 on the file of Judicial Magistrate No.VI, Tiruchirappalli, and duly set aside the judgment of the courts below by acquitting the Revision Petitioner.



Order : These petitions coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.J.JEYAKUMARAN, Advocate for the petitioner in both petitions, the court made the following order:-

Crl.M.P.(MD)No.5231 of 2018 is filed to extend the time of surrender of the petitioner in Crl.M.P.(MD)No.3920 of 2018 in Crl.R.C.(MD)No.293 of 2018, dated 06.06.2018.

2. Crl.M.P.(MD)No.5232 of 2018 is filed to modify the condition to deposit 50% of the compensation amount before the trial Court in Crl.M.P.(MD)No.3920 of 2018 in Crl.R.C.(MD)No.293 of 2018, dated 06.06.2018.

3. On the side of the petitioner, it is stated that the petitioner could not comply the condition to deposit Rs.1,00,000/- before the trial Court. The petitioner is only a Coolie and he could not mobilise the fund and prayed the condition to be modified and to extend the time for surrender.

4. On the side of the respondent, it is stated that this is a concurrent judgment of both the courts. The judgment of the Judicial Magistrate is in the year 2017 and the petitioner has failed to comply the condition imposed by this Court, on 06.06.2018, in Crl.M.P.(MD)Nos.3920 and 3921 of 2018 and only to drag on the matter, the petitioner has filed this petition.

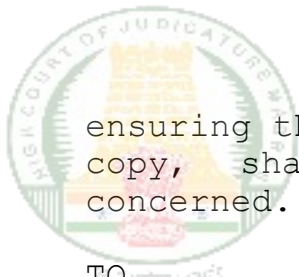
5. A perusal of the records reveals that the petitioner filed this petition, to modify the condition to deposit of 50% of the cheque amount. As it is the original order was only to deposit 50% of the cheque amount. The petitioner has not stated anything how the condition to be modified.

6. It is seen that the conditional order was passed in the year 2018. Until now, the petitioner has not come forward to deposit the amount. The main revision is ripe for arguments. In the above circumstances, there is no use in keeping the petition pending any further. Hence, Crl.M.P.(MD)Nos.5231 and 5232 of 2018 are dismissed. Consequently, the order of suspension of sentence in Crl.M.P.(MD)Nos.3920 and 3921 of 2018 is also dismissed.

sd/-
09/12/2021

/ TRUE COPY /

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



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 1ST ADDITIONAL DISTRICT & SESSIONS JUDGE (PCR),
TIRUCHIRAPPALLI.
- 2 THE JUDICIAL MAGISTRATE NO.VI,
TIRUCHIRAPPALLI
- 3 THE CHIEF JUDICIAL MAGISTRATE
TIRUCHIRAPPALLI.

ORDER
IN
CRL MP (MD) No.5231 & 5232
of 2018
IN
CRL RC (MD) No.293 of 2018
Date :09/12/2021

VB/JC/SAR-IV/14.12.2021/3P/4C