



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Thursday, the Twenty Seventh day of October Two Thousand and Twenty
Two

PRESENT

WEB COPY The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL MP (MD) . No.11502 of 2022
in
CRL OP (MD) 4803 of 2021

Gurupappa

... Petitioner/3rd Respondent/
Defacto Complainant

Vs

1 State Represented by the
The Deputy Superintendent Of Police
Rajapalayam Sub Division
Virudhunagar District
All Women Police Station
in Crime No.02 of 2011.

2 The Inspector of Police
All Women Police Station
Rajapalayam.
Crime No.2 of 2011.

... Respondent/Respondent/
Complainant

3 Kalimuthu

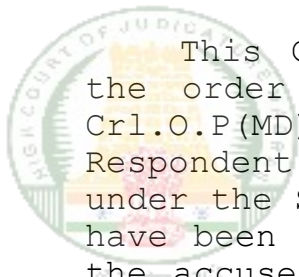
... Respondent/Petitioner /
Sole Accused

Prayer :- Criminal Miscellaneous Petition is filed under section 482 of Cr.p.c. To modified the order as to the amount of repayment as a sum of Rs.25,000/- instead Rs.1,50,000/- account to the District Adi Dravidar Welfare Officer, Virudhunagar on 2.9.2022 in Crl.OP.(MD).No.4803 of 2021 dt.25.4.2022 by this Honble Court.

Prayer in CRL OP (MD) . 4803 of 2021 :

Criminal Original Petition is filed under section 482 of Cr.p.c. To Call for the records pertaining to the charge sheet in Spl. S.C No. 05/2013 filed u/s. 417, 376 of IPC and 3(1)(x), 3(x11), 3(2) (V) of SC/ST Act on the file of the Sessions Judge , Special Court for Trial of SC /ST (POA) Act Virudhunagar at Srivelliputhur.

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 M.Mohammed Shariq, Advocate for the Petitioner and of Ms. R.Sivakumar Government Advocate for the 1st and 2nd respondents , this Court made the following order:



This Criminal Miscellaneous Petition has been filed to modify the order passed by the learned Single Judge of this Court in Crl.O.P(MD) No.4803 of 2021 dated 25.04.2022 directing the Respondent(victim) to return the amount disbursed by the Government under the SC/ST Atrocity Fund of Rs.1,50,000/- which was alleged to have been received by her in lieu of compromise arrived at between the accused and the victim, based on which Crl.O.P(MD) No.4803 of 2021 was allowed resulting in quashing the charge sheet pending in Spl.S.C. No.5 of 2013 on the file of the learned Special Judge, Special Court for Trial of Cases under the SC/ST(POA) Act, Virudhunagar at Srivilliputhur.

2. From the records, it is found that another Criminal Miscellaneous Petition has been filed in Crl.M.P(MD) No.9877 of 2022 seeking extension of time to repay the amount to the Government which was allowed by this Court on 24.08.2022. Subsequently, the present petition has been filed seeking to modify the order regarding the amount.

3. It is the submission of the learned Counsel for the Petitioner that the victim under the SC/ST (POA) Act had received only Rs.24,980/- (Rupees Twenty Four thousand Nine Hundred and Eighty only) through her bank account No.91255010004725 on 13.04.2013.

4. The learned Government Advocate(Crl.Side) also concedes the same.

5. In the light of the above, the order dated 25.04.2022 passed by this Court in Crl.O.P(MD) No.4803 of 2021 is modified and the victim is directed to return a sum of Rs.25,000/- (Rupees Twenty Five thousand only) instead of Rs.1,50,000/- to the District Adi Dravidar Welfare Officer, Virudhunagar.

6. This Criminal Miscellaneous Petition is ordered accordingly.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

TO

1. The Sessions Judge,
Special Court for Trial of SC/ST (POA) ACT,
Virudhunagar at Srivelliputhur

2 The District Adi Diravidar Welfare Officer,
Virudhunagar



3. The Deputy Superintendent Of
Police Rajapalayam Sub Division
Virudhunagar District
All Women Police Station

4. The Inspector of Police
All Women Police Station Rajapalayam.
Crime No.2 of 2011.

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

Copy to:

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

ORDER DATED : 27/10/2022

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ORDER

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CRL MP(MD) . No.11502 of 2022
in
CRL OP(MD)4803 of 2021

Giving direction and etc.
as stated within.

MGJ(07.11.2022) 3P 7C