



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

Friday, the Sixteenth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.15679 of 2022

IN

CRL OP(MD) No.18784 of 2022

MOHANRAJ

... PETITIONER/PETITIONER

Vs

1 THE STATE REP BY,
THE INSPECTOR OF POLICE
KRISHNARAYAPURAM POLICE STATION,
KARUR DISTRICT.

2 NEELAMEGAM

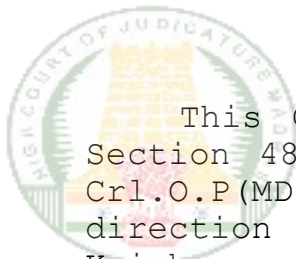
... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the order passed in Crl.OP(MD)No.18784 of 2022 dated 17.11.2022 with regard to the direction issued to the District Munsif cum Judicial Magistrate, Krishnarayapuram as to not to suspend the sentence and consequently to issue directions directing the Learned District Munsif cum Judicial Magistrate, Krishnarayapuram to accept the surrender of the petitioner in connection with STC No. 144 of 2021 on the file of the Learned District Munsif Cum Judicial Magistrate, Krishnarayapuram and to consider the application for Interim suspnesion of sentence.

Prayer in CRL OP(MD)No. 18784/ 2022 :

To issue directions restraining the 1st Respondent from executing the Non-Bailable Warrant issued against the Petitioner pursuant to the Judgment dt.13.09.2022 without issuance of the copy of the judgment and order of conviction in S.T.C.No.144/21 on the file of the Learned District Munsif cum Judicial Magistrate, Krishnarayapuram and without completion of the statutory period permitted for preferring an appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. KANNAN.V, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



This Criminal Miscellaneous Petition has been filed, under Section 482 Cr.P.C., seeking orders to modify the order passed in Crl.O.P(MD)No.18784 of 2022, dated 17.11.2022 with regard to the direction issued to the District Munsif cum Judicial Magistrate, Krishnarayapuram as not to suspend the sentence and consequently, to issue directions, directing the learned District Munsif cum Judicial Magistrate, Krishnarayapuram to accept the surrender of the petitioner in connection with S.T.C.No.144 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Krishnarayapuram and to consider the application for interim suspension of sentence.

2.This Court, after considering the submissions made by the learned counsel for the petitioner, has directed the petitioner to surrender before the concerned Court, failing which, the first respondent shall execute the warrant and remand him and further directed that he shall not suspend the sentence.

3. The present application has been filed seeking modification of the earlier order to the effect that the suspension shall not be suspended.

4. It is not for this Court to make any order and it is for the trial Court to decide and as such, this Court is not inclined to interfere with the earlier order passed by this Court.

5. Accordingly, the Criminal Miscellaneous Petition is dismissed.

sd/-

16/12/2022

/ TRUE COPY /

/01/2023

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

DAS

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KRISHNARAYAPURAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
KRISHNARAYAPURAM POLICE STATION,
KARUR DISTRICT.



WEB COPY

CRL MP(MD) N



22

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP (MD) No.15679 of 2022

IN

CRL OP (MD) No.18784 of 2022

Date :16/12/2022

PKP/BUC/SAR /02.01.2023/3P/5C