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Crl.M.P.No.3866 of 2022 in
Crl.R.C.No.975 of 2020

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SATHI KUMAR SUKUMARA KURUP, J.

When the case came up for hearing, the learned Counsel for the Revision Petitioner moved a Petition insisting for grant of suspension of sentence with condition to deposit the amount as ordered by this Court on 17.12.2020. He has submitted that the Petitioner is ready with the Demand Draft for a sum of Rs.3,16,000/-. (Rupees Three lakhs sixteen thousand only). The learned Counsel for the Respondent/Complainant objects stating the learned Judicial Magistrate had played havoc with the case. Therefore, the learned Counsel for the Complainant himself filed a complaint against the learned Judicial Magistrate before the High Court Registry, based on which disciplinary proceedings were initiated against the Complainant. The Complainant preferred complaint against the learned Counsel who appeared for the Complainant before the trial Court and before the Bar Council. Subsequently, when enquiry was ordered he is reported dead. The learned Counsel for the Respondent objects to the filing of a petition in Criminal



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Miscellaneous Petition at this stage. It is the contention that earlier time when this Court had ordered for payment of part of the amount ordered by the learned trial Judge, they had sought extension of time. Subsequently, the said petition was not pressed on 02.02.2022. Now, the present Counsel for the Revision Petitioner is filing change of Vakalat. Therefore, he is not aware of the earlier proceedings. It is the submission of the learned Counsel for the Respondent that in the proceedings before the three learned Judges of this Court, the learned Judges of this Court had directed the Revision Petitioner to deposit the amount. He had not complied with the conditions till date.

2. The learned Counsel who is now appearing for the Revision Petitioner seeks suspension of sentence and is ready to pay the amount.

3. The learned Counsel for the Respondent objected stating that there cannot be two petitions for the same relief. Already this Court had suspended the sentence as per order dated 17.12.2020 in Crl.M.P.No.6800 of 2020 in Crl.R.C.No.975 of 2020.

4. Considering the fact that the Revision Petitioner was granted the relief of suspension of sentence in Crl.M.P.No.6800 of 2020 in



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Crl.R.C.No.975 of 2020, dated 17.12.2020, the objection of the learned

Counsel for the Respondent is found acceptable. As already the period of sentence has been suspended, the present petition is treated as seeking extension of time. The same is granted on condition that the Revision Petition itself will be taken up for disposal on out of turn priority considering the vehement objection made by the learned Counsel for the Respondent. The Revision Petitioner is directed to deposit a sum of Rs.3,16,000/- (Rupees Three Lakhs Sixteen Thousand only) to the credit of C.C.No.141 of 2013 before the learned Judicial Magistrate, Fast Track Court No.II at Magisterial Level, Coimbatore, on or before 17.10.2023. On such deposit, the Petitioner is directed to be enlarged on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum amount to the satisfaction of the learned Judicial Magistrate, Fast Track Court No.II at Magisterial Level, Coimbatore. One of the sureties shall be a blood relative and on further condition that the Petitioner shall appear before the said Court once in three months at 10.30 a.m. on first working day of a month till the disposal of this Criminal Revision. If the Petitioner fails to



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deposit the amount of Rs.3,16,000/- (Rupees Three Lakhs Sixteen Thousand only) by 17.10.2023, this order would stand cancelled automatically.

5. The learned Judicial Magistrate, Fast Track Court No.II at Magisterial Level, Coimbatore is directed that the warrant issued to secure the Revision Petitioner/Accused in C.C.No.141 of 2013 shall be kept in abeyance till the disposal of this Criminal Revision Case. It is made clear that the Revision Case itself is taken up on out of turn priority on 02.11.2023.

6. Registry is directed to post the Criminal Revision Case on 02.11.2023 on top of the list.

12.10.2023

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NOTE: Issue Order Copy by 12.10.2023.



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COPY TO:

1. The III Additional District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Fast Track Court No.II at Magisterial Level,
Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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12.10.2023