



Crl.O.P.No.7080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.03.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.7080 of 2023

Punithavathy

...Petitioner

Vs.

Nagarajan

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order of return dated 09.02.2023 made in unnumbered Crl.M.P.No of 2023 dated in 28.11.2022 in Crl.M.P.No.2234 of 2022 in C.A.No.97 of 2022 on the file of the Principal Sessions Judge, Namakkal.

For Petitioner : Mr.K.S.Karthik Raja

ORDER

This Criminal Original Petition has been filed to set aside the docket order of return dated 09.02.2023 made in unnumbered Crl.M.P.No. of 2023 dated in 28.11.2022 in Crl.M.P.No.2334 of 2022 in C.A.No.97 of 2022 on the file of the Principal Sessions Judge, Namakkal.



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2. It is the submission of the learned counsel for the petitioner that while ordering suspension of sentence in Crl.M.P.No.2334 of 2022 in C.A.No.97 of 2022 on the file of the Principal Sessions Judge, Namakkal, directed the petitioner to deposit 20% of the compensation amount before the Trial Court, within a period of 60 days from 28.11.2022. The petitioner was in prison in connection with other cases and therefore, she was not able to deposit this amount within a period of 60 days as ordered. Subsequently, she filed a petition on 08.02.2023, for payment of amount as directed. However, the petition was returned stating that, “in view of the condition imposed in CMP No.2334 of 2022 dated 28.11.2022, the stipulated time expired on 27.01.2023. At this stage, how this petition is maintainable?”.

3. It is true that the time given to deposit the amount was expired when the petitioner filed an extension of time petition on 08.02.2023. However, considering the reasons stated by the petitioner for not paying the amount within the stipulated time, this Court directs the learned Principal Sessions Judge, Namakkal, to entertain this petition and receive 20% of the compensation amount and proceed further in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.



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4. With the above direction, this Criminal Original Petition is disposed of.

30.03.2023

mn

Index: Yes/No

Speaking Order: Yes/No



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G.CHANDRASEKHARAN.J.,

mn

To

The Principal Sessions Judge, Namakkal.

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