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Crl.MP.No.14013 of 2023

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in Crl.RC.No.1315 of 2016

SATHI KUMAR SUKUMARA KURUP, J.,

When the case came up for hearing on 09.03.2023, the learned Judge of this Court directed the Revision Petitioner to deposit the sum of Rs.2,00,000/- before the learned Judicial Magistrate, Fast Track Court, Magisterial level, Coonoor in CC.No.473 of 2011 dated 13.03.2015. This Court also granted time to the Revision Petitioner, who is an accused before the learned Judicial Magistrate, Fast Track Court, Magisterial level, Coonoor until 06.04.2023. After the said order was passed by this Court, the Revision Petitioner filed this petition after the expiry of the time granted by this Court, seeking an extension of time. This petition is filed in the month of September, and the earlier counsel who appeared for the Revision Petitioner Mr.Arunkumar, did not file this petition. This petition is filed by a different counsel.



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2. The Registry returned the petition to obtain consent from the earlier counsel which was refused by the present counsel, stating that the earlier counsel's involvement ended with the disposal of the Criminal Revision. The filing of this petition by a different counsel without consent is objectionable and contemptible. Further it is found to be an attempt to evade the sentence of imprisonment imposed by the Trial Court.

3. Therefore, the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Coonoor is directed to issue warrant to secure the accused. The Superintendent of Police is directed to execute the warrant in CC.No.473 of 2011 dated 13.03.2015 issued by the learned Judicial Magistrate, Fast Track Court, Coonoor and produce the accused before the Trial Court.

4. If the accused fails to deposit the amount of Rs.2 lakhs, the learned Judicial Magistrate, Fast Track Court, Magisterial level, Coonoor is directed to impose a sentence of imprisonment along with compensation of



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Rs.2 lakhs as per the provisions under Section 138 of the Negotiable Instruments Act and remand the accused to undergo sentence of imprisonment as per the order of the Trial Court.

5. In the result, this Criminal Miscellaneous Petition is dismissed.

07.09.2023

drl



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