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Crl.O.P.No.10065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN, J.

Crl.O.P.No.10065 of 2023

Subramanian

... Petitioner

Vs.

C. Krishnan

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to extend the time to comply the condition of deposit 20% of the compensation amount awarded by the Judicial Magistrate No-1, Namakkal, Namakkal District passed in Crl.M.P.No.175 of 2023 in Crl.A.No.15 of 2023 vide order dated 31.01.2023 on the file of the Additional District and Sessions Judge, Namakkal, Namakkal District.

For Petitioner : Ms.S.N. Arun Kumar

For R1 to R3 : Mr.S. Santhosh
Government Advocate (Crl side)

ORDER

The petitioner has filed this petition to extend the time to comply the condition of deposit 20% of the compensation amount awarded by the Judicial Magistrate No-1, Namakkal, Namakkal District passed in



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Crl.M.P.No.175 of 2023 in Crl.A.No.15 of 2023 vide order dated 31.01.2023 on the file of the Additional District and Sessions Judge, Namakkal, Namakkal District.

2. The case of the petitioner is that the Court below vide order dated 19.12.2022 in C.C.No.226 of 2021 convicted the petitioner for two years simple imprisonment and to pay the compensation of R.24,00,000/-. Aggrieved over the same, the petitioner preferred an appeal before the Additional District and Session Judge in Crl.A.No.15 of 2023 and also filed a Miscellaneous petition in Crl.M.P.No.175 of 2023 to suspend the sentence passed in C.C.No.226 of 2021 and the learned Judicial Magistrate No.I, Namakkal, Namakkal District, vide order dated 31.01.2023 suspended the sentence with a condition to deposit 20% of the compensation amount within a period of 60 days. However, the petitioner has not complied with the orders passed by the Court below and has filed this petition seeking extension of time to comply the said order.

3. The learned counsel for the petitioner submitted that due to sudden



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business loss, the petitioner was unable to pay the 20% of the compensation amount. Hence he prays to allow this petition.

4. Taking into consideration the facts of the case and the submission made by the learned counsel for the petitioner, this petition is allowed and time is granted to the petitioner to pay the conditional amount before 22.05.2023, failing which the order passed by the Judicial Magistrate No-1, Namakkal, Namakkal District passed in Crl.M.P.No.175 of 2023 in Crl.A.No.15 of 2023 vide order dated 31.01.2023 on the file of the Additional District and Sessions Judge, Namakkal, Namakkal District stands rejected.

04.05.2023

Index: Yes/No

Internet: Yes/No

smn/kmm

Note: Issue order on or before 05.05.2023



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G.K.ILANTHIRAIYAN, J.

smn

To

1. The Judicial Magistrate No-1, Namakkal, Namakkal District
2. The Additional District and Sessions Judge, Namakkal, Namakkal District.
3. The Additional Public Prosecutor,
High Court of Madras.

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