



Crl.R.C.Nos.698 & 699 of 2017

N.ANAND VENKATESH., J.

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The matter is posted under the caption 'For Being Mentioned' based on the letter that was circulated by the learned counsel for the petitioner dated 27.06.2023.

2. When the matter came up under the caption 'For Reporting Compliance' on 05.04.2023, this Court passed an order in the following terms:

The matter was posted under the caption 'For Reporting Compliance' today.

2. The learned counsel for the petitioners submitted that the condition imposed by this Court in clause (a) at Paragraph No.7 has not been complied with. In view of the same, clauses (d) and (e) of Paragraph No.7 comes into operation. Accordingly, the petitioners will have to either surrender and undergo the sentence or the Trial Court should take immediate steps to secure the petitioners and make them undergo the sentence imposed against them by the Trial Court.

3. The above order was passed on the premise that the petitioner has not complied with the condition imposed by this Court and hence, the default clause in the order automatically will come into operation. While passing the order, Crl.R.C.No.698 of 2017 was also posted along with Crl.R.C.No.699 of 2017. Insofar as Crl.R.C.No.698 of 2017,



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the same was disposed of by an order dated 07.03.2023 by compounding the offence and thereby, the conviction and sentence imposed against the petitioner was set aside. Therefore, posting Crl.R.C.No.698 of 2017 once again on 05.04.2023, was clearly due to over sight. In view of the same, the order that was passed on 05.04.2023 will not apply to Crl.R.C.No.698 of 2017 which was already disposed of by this Court on 07.03.2023.

4.Insofar as Crl.R.C.No.699 of 2017 is concerned, the order was passed on 05.04.2023 on the ground that the condition imposed by this Court has not been complied with. Unfortunately, the learned counsel for the petitioner was not able to place the correct facts on that day due to some lack of communication with the petitioner. In view of the same, this Court passed the order on 05.04.2023 by recording that the default clause will come into operation and hence, a direction was given to the Trial Court to secure the petitioners and make them undergo the sentence.

5.The learned counsel for the petitioner subsequently mentioned the case and brought to the notice of this Court that the condition imposed by this Court was complied with well within time and therefore, the order passed on 05.04.2023 must be recalled. Accordingly, the matter was posted under the caption 'For Being Mentioned' today.



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6.The order passed on 05.04.2023, is hereby recalled. Since the petitioners have deposited the amount as directed by this Court on 31.03.2023 (copy of the receipt issued by the learned Judicial Magistrate, FTC No.1, Erode taken note of). In view of the same, Clause (b) of Paragraph No.7 comes into operation and the offence will stand compounded and the conviction and sentence imposed by both the Courts below shall stand set aside. In view of the deposit, it is also left open to the respondent to withdraw the amount as permitted by this Court in Clause (c) of Paragraph No.7.

7.The Registry is directed to issue this order to the learned counsel appearing on either side and a copy of the same shall also be marked to the Trial Court.

30.06.2023

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