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CrI.R.C.No.1260 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM:

The Hon'ble MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.R.C.No.1260 of 2019

Mr.P.T.Moideen @ Moidu

...Petitioner/Appellant/
Complainant

-Vs-

Mr.N.R.Senthilkumar

...Respondent/Respondent/
Accused

Prayer:- Criminal Revision Petition filed under Section 397 read with 401 of Cr.P.C, to set aside the judgment of the learned Sessions Judge of the Nilgiris at Udhagamandalam in C.A.No.65 of 2018 dated 29.07.2019 confirming the judgment and sentence passed by the learned Judicial Magistrate, Udhagamandalam in S.T.C.No.848 of 2013 dated 11.09.2018 and call for the records and acquit the Petitioner from all the charges.

For Petitioner : Mr.P.P.Prakash Paul

For Respondent : M/s.R.Saritha
for Mr.J.Bharathiraja



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ORDER

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When the case came up for hearing on 21.06.2023, learned Single Judge who was presiding over this Roster had directed the Registry to call for remarks from the learned Judicial Magistrate, Udhagamandalam, in S.T.C.No.848 of 2013 dated 11.09.2018 as to whether the condition order had been complied with or not. The Registry was also directed to issue summons to the Revision Petitioner/Accused for his appearance before this Court on 19.07.2023.

2.On 19.07.2023, when the case came up for hearing in the list, the learned Counsel for the Revision Petitioner sought an adjournment. Therefore, the case was adjourned to 26.07.2023.

3.Today, 26.07.2023, the learned Counsel for the Revision Petitioner is present in Court along with the Revision Petitioner.

4.To the query of this Court to the Revision Petitioner, he states that by the time this Court had granted suspension of sentence and bail, the COVID-19 lockdown had intervened. Therefore, he was in financial



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difficulty and he was unable to deposit the amount of Rs.1 lakh before the learned Judicial Magistrate, Udhagamandalam, but he had executed the sureties and the bail bond.

5.To the query of this Court after the COVID-19 lockdown that he had not deposited the amount before the Court concerned. He submitted that he is unable to deposit as he is now working as a helper in a hotel. The representation of the Revision Petitioner cannot at all be accepted.

6.Considering the fact that on 19.06.2023, the learned Single Judge of this Court had sought remarks from the Court, suspecting the inclination of the Revision Petitioner in not proceeding with arguments after having filed this Criminal Revision Case. In cases of this nature when the Trial Court judgment is confirmed in Appeal, Revision Case, which is filed only to protract the proceedings and not with the *bona fide* intention to dispose of the case. Therefore, based on the experience of the Judges, the learned Single Judge had sought remarks from the learned Judicial Magistrate, Udhagamandalam.



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7. Accordingly, remarks had been received from the learned Judicial Magistrate, Udhagamandalam, in D.No.1290/2023 dated 13.07.2023, in which it is stated that the Accused before the Trial Court, the Revision Petitioner herein had not deposited the amount till date.

8. From the remarks offered by the learned Judicial Magistrate, Udhagamandalam, and the direction of the learned Single Judge of this Court as per order dated 21.06.2023, this Criminal Revision Case does not have any merit and the conduct of the Revision Petitioner is not found fair.

9. Therefore, in the light of the above developments and the subsequent conduct of the Revision Petitioner after obtaining order of suspension of the sentence of imprisonment imposed on him as Accused in S.T.C.No.843 of 2013 on the file of the learned Judicial Magistrate, Udhagamandalam, which was confirmed in Appeal by the learned Principal District Judge, Udhagamandalam, by dismissing the Appeal in Criminal Appeal.No.65 of 2018 in not complying with the orders of this Court in depositing Rs.1,00,000/- before the Court of the learned Judicial Magistrate, Udhagamandalam, even after four years from the date of the



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order suspending the sentence of imprisonment, this Criminal Revision Case does not have merit.

10.In the light of the above discussion, this **Civil Revision Case** stands dismissed and this Court directs the Revision Petitioner to surrender before the learned Judicial Magistrate, Udhagamandalam, within 15 days, failing which the Respondent will initiate steps to declare him as proclaimed offender.

26.07.2023

cda
Index : Yes/No
Speaking/Non-speaking order

NOTE: Issue Order Copy on 27.07.2023

To

- 1.The Judicial Magistrate, Udhagamandalam.
- 2.The Sessions Judge, Nilgiris, Udhagamandalam.



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SATHI KUMAR SUKUMARA KURUP, J.,

cda

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