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CrI.O.P.No.27690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.27690 of 2023

P.Ravikumar

.. Petitioner

/versus/

N.M.M.Mangayarkarasi

.. Respondent

Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the return the docket order dated 15.11.2023 in Un-numbered Miscellaneous Petition CrI.M.P.No. of 2023 in CC.6540 of 2018 on the file of the Metropolitan Magistrate Fast Track Court-II, Egmore, Chennai, and consequently direct the Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai, to accept the surety.

For Petitioner : Mr. P.T.Rakesh

ORDER

This Criminal Original Petition is filed by the appellant to set aside and return the docket order dated 15.11.2023 in Un-numbered Miscellaneous Petition CrI.M.P.No. Of 2023, in CC.6540 of 2018, on the file of the Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai,



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and consequently, direct the Metropolitan Magistrate, Fast Track Court-II, Egmore, Chennai, to accept the surety.

2. This Court, vide order dated 08.11.2023, by taking note of the fact that the 10% compensation amount has been deposited by the appellant/accused, and the time for depositing the amount in the Trial Court is extended by one (1) week.

3. The petitioner/accused has deposited the money in the CCD Account on 10.11.2023 and thereafter, on 15.11.2023 has produced surety before the FTC-II, Metropolitan Court, Egmore, on 15.11.2023 and surrendered himself. However, the Trial Court has returned the surety papers and surrender application on erroneous impression that the time limit fixed for surrendering and furnishing surety has lapsed. Hence, the present petition is filed before this Court.

4. This Court, on perusing the record, finds that the extension of seven (7) days time is meant for surrendering and furnishing surety. Since the order was passed on 08.11.2023, seven days time gets lapsed only on 15.11.2023, which is the day on which the surety had been presented and



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the Trial Court passed the docket order, saying that the time got lapsed, which is not correct. Hence the Trial Court is directed to accept the surety.

5. The petitioner is directed to appear before the Trial Court along with the surety on 18.12.2023 and on such appearance, the Trial Court shall test the sureties and pass appropriate orders.

6. Registry is directed to return the original papers to enable the petitioner herein to be present them before the Trial Court.

7. With the above directions, the Criminal Original Petition stands allowed.

11.12.2023

Index:yes/no

Netural Citation:yes/no

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To:

1. Metropolitan Magistrate, Fast Track Court-II,
Egmore, Chennai

2. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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