



*Crl.M.P.(MD)No.2255 of 2023*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

Crl.M.P.(MD)No.8918 of 2023  
in Crl.R.C.(MD) SR. No.2345 of 2023  
and Crl.R.C.(MD) SR. No.2345 of 2023  
and Crl.M.P.(MD)No.2255 of 2023

K.M.C.Stephen

... Petitioner/Petitioner

vs.

1.The State of Tamil Nadu,  
represented by the Public Prosecutor,  
Nagercoil.

2.T.Thanislaus

... Respondents/Respondents

**PRAYER in Crl.M.P.(MD)No.8918 of 2023 :** Criminal Miscellaneous Petition filed under Section 482 Cr.P.C., to extend the time in Crl.M.P. (MD)No.7862 of 2023 in Crl.M.P.(MD)No.5929 of 2023 in Crl.M.P. (MD)No.2255 of 2023 in Crl.R.C.(MD)SR.No.2345 of 2023 for a period of 2 months for depositing a sum of Rs.1,00,000/- before the trial Court.

**PRAYER in Crl.R.C.(MD) SR. No.2345 of 2023 :** Criminal Revision filed under Sections 397 and 401 of Criminal Procedure Code, to call for records and set aside the judgment and conviction dated 26.08.2022 made



*Crl.M.P.(MD)No.2255 of 2023*

in C.A.No.9 of 2010 on the file of the learned Additional District and Sessions Judge, Padmanabhapuram, by which confirming the judgment and conviction order in C.C.No.305 of 2006 on the file of the learned Judicial Magistrate, Padmanabhapuram, dated 21.01.2010 and acquit the petitioner/accused.

For Petitioner/Petitioner : Mr.N.Madhava Govindan  
in both cases

For R1 in both cases : Mr.A.Albert James  
Government Advocate (Crl. Side)

For R2 in both cases : Mr.E.V.N.Siva

### **COMMON ORDER**

This Criminal Miscellaneous Petition has been filed seeking orders to extend the time in Crl.M.P.(MD)No.7862 of 2023 in Crl.M.P.(MD)No. 5929 of 2023 in Crl.M.P.(MD)No.2255 of 2023 in Crl.R.C.(MD)SR.No. 2345 of 2023 for a period of 2 months for depositing a sum of Rs.1,00,000/- before the trial Court.

2. It is seen from the records that this Court, considering the submissions made on either sides, has passed a conditional order in Crl.M.P.(MD)No.2255 of 2023 directing the petitioner to deposit a sum of



*Crl.M.P.(MD)No.2255 of 2023*

Rs.1,00,000/- before the trial Court on or before 11.04.2023 to condone the delay. Since the petitioner has not complied with the order, the petitioner has filed an extension petition in Crl.M.P.(MD)No.5929 of 2023 and this Court, vide order dated 12.04.2023, has extended the time till 05.06.2023. Again the petitioner has not complied with the order and filed an extension petition in Crl.M.P.(MD)No.7862 of 2023 and this Court, vide order dated 06.06.2023, has extended the time till 19.06.2023 and thereafter also the petitioner has not complied with the order and filed the above extension petition for the third time.

3. When the matter was taken up for hearing on 26.06.2023, the learned counsel appearing for the petitioner submitted that the matter is settled between the parties, but the same was disputed by the learned counsel appearing for the second respondent and adjourned the matter on 27.06.2023 i.e., today.

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the parties had not turned up. The learned counsel appearing for the second respondent would submit that the petitioner has not complied with the order.



*Crl.M.P.(MD)No.2255 of 2023*

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5. Despite of sufficient opportunity being given to the petitioner, the petitioner has not complied with the order of this Court. Hence, this Court is not inclined to grant any further time. Accordingly, this criminal miscellaneous petition is dismissed. Consequently, Crl.R.C.(MD)SR.No. 2345 of 2023 is rejected at SR stage itself and connected Miscellaneous Petition in Crl.M.P.(MD)No.2255 of 2023 is closed.

**27.06.2023**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes/No  
csm

To

1.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.M.P.(MD)No.2255 of 2023*



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*Crl.M.P.(MD)No.2255 of 2023*

**K.MURALI SHANKAR, J.**

csn

CrI.M.P.(MD)No.8918 of 2023  
in CrI.R.C.(MD) SR. No.2345 of 2023  
and CrI.R.C.(MD) SR. No.2345 of 2023  
and CrI.M.P.(MD)No.2255 of 2023

**Dated : 27.06.2023**