



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty Ninth day of March Two Thousand and Twenty
Three
PRESENT

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The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) . No.10483 of 2022
IN
CRL.A(MD)302 of 2007

Prakash ... Petitioner/Appellant/Accused No.2

Vs

The Inspector of Police
Kottar Police Station, Nagercoil
Kanniyakumar District.
(Crime No. 1407 of 2001)

... Respondent/Respondent

Prayer in CRL MP(MD)No.10483 of 2022:-

This Criminal Miscellaneous Petition is filed under section 482 of Cr.P.C., to direction the Hon`ble Assistant Sessions Judge cum Chief Judicial Magistrate, Nagercoil, Kanniyakumari to Not to insist to pay compensation amount of Rs.50,000/- as the petitioner had undergone the default sentences imposed by this Hon`ble Court.

Prayer in CRL.A(MD)302 of 2007:-

This Criminal Appeal is filed under section 374(2) of Cr.P.C., to set aside the conviction and sentence passed by the learned Assistant Sessions Judge cum Chief Judicial Magistrate, Kanniyakumari at Nagercoil in SC No.214 of 2005 dated 25.01.2007.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. Ayyanar Premkumar, Advocate for the Petitioner and of Mr. K.Sanjai Gandhi, Government Advocate for the respondent, this Court made the following order:

This Criminal Miscellaneous Petition has been filed to direct the learned Assistant Sessions Judge cum Chief Judicial Magistrate, Nagercoil, Kanniyakumari not to insist to pay compensation amount of Rs.50,000/- as the petitioner had undergone the default sentences imposed by this Court.

2.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner had undergone



default sentence also and hence, the prayer sought for is
petition may be considered.

3.It is seen that the petitioner filed a memo before the Court below stating that as per order of this Court, he was arrested and already undergone the default sentence for non-payment of fine, which was rejected and as such, the petitioner filed the present petition for direction. That apart, the petitioner, after completion of default sentence, he was also released from the prison.

4.In view of the above, the Court below is directed to record the memo and close the case. Accordingly, this petition is allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/06/2023

Sub Assistant Registrar(CS)

TO

- 1.The Principal Sessions Judge,
Kanniyakumari at Nagercoil,
- 2.The Assistant Sessions Judge cum
Chief Judicial Magistrate,
Kanniyakumari at Nagercoil,
- 3.The Superintendent,
Central Prison, Palayamkottai.
- 4.The Inspector of Police
Kottar Police Station Nagercoil
Kanniyakumar District (
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai



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CRL MP(MD). N



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ORDER DATED : 29/03/2023

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ORDER
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CRL MP(MD) . No.10483 of 2022

IN
CRL.A(MD) 302 of 2007

Giving direction and etc.
as stated within.

DL(21.06.2023) / 3P/ 8C