



CRL MP(MD) No.13853 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Friday, the Twenty Ninth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.13853 of 2023

in

CRL RC(MD)No. 373 of 2023

1 M/S.JAMBAI HARDWARE STORES  
REP BY ITS MANAGING PARTNER,  
S. MOHAMED YAHIIYA,

2 S.MOHAMED YAHIIYA

3 S.HASSAN ALI

... PETITIONERS/ ACCUSED NOS. 1 TO 3

Vs

PRAKASH A.KHANNA

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to extend the time limit fixed by this Honble court in CrI M.P (MD) No. 5423 of 2023 in the order passed by this Honble court in CrI R.C (MD) No. 373 of 2023 dated 27.07.2023.

Prayer in CRL RC(MD). 373/ 2023 :

To call for the entire records pertaining to the Criminal Appeal No.1 of 2020 on

<https://www.mhc.tn.gov.in/judis>



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the file of the learned Principal District and Sessions Judge, Trichy and to set aside the judgment passed therein on 28.11.2022 which confirmed the judgment of the learned trial court passed in STC No. 201/2008 dated 25/11/2019 on the file of the Learned Judicial Magistrate No.IV, Trichirappalli.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ARUMUGAM.C.M, Advocate for the petitioner and of MR.K.PRABHAKAR, Advocate for the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking an extension of time in Crl.M.P.(MD).No.5423 of 2023 in Crl.RC.(MD).No.373 of 2023 dated 27.07.2023, to deposit a sum of Rs.3,00,000/- to the credit of S.T.C.No.201 of 2008, on the file of the learned Judicial Magistrate No.IV, Trichirappalli.

2. This Court, by order, dated 27.07.2023, has suspended the sentence imposed on the petitioner with a following directions:

"7. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioners 2 and 3 shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of S.T.C.No.201 of 2008, on the file of the learned Judicial Magistrate No.IV, Trichirappalli, within a period of one week from today.



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(ii) The petitioners 2 and 3 shall deposit a further sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of S.T.C.No.201 of 2008 on the file of the learned Judicial Magistrate No.IV, Trichirappalli, within a period of four weeks from the date of receipt of a copy of this order, failing which the sentence suspended shall automatically be dismissed and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioners 2 and 3 in the manner known to law;

(iii) On such deposit, the petitioners 2 and 3 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Trichirappalli;

(iv) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(v) The petitioners 2 and 3 shall appear before the trial Court once in a month i.e., on the first working day of every English Calendar month at 10.30 a.m., until further orders.

(vi) The learned Judicial Magistrate No.IV, Trichirappalli, is directed to re-deposit the said amount of Rs.3,00,000/- (Rupees Three Lakhs only)



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in a nationalized bank in the interest recurring account till the disposal of the Revision.

2. Instead of complying the conditional order passed by this Court, the petitioner filed this petition, to extend the time for payment. In view of the non-compliance of the conditional order, passed by this Court, on 27.07.2023, the suspension of sentenced granted by this Court is hereby recalled. Accordingly, this Criminal Miscellaneous petition is dismissed.

3. The learned Judicial Magistrate No.IV, Trichirappalli, is directed to secure the petitioners/accused and confine in prison to serve the remaining period of sentence

sd/-  
29/09/2023

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/10/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SBN  
TO

- 1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TRICHY.
- 2 THE JUDICIAL MAGISTRATE NO.IV,TRICHIRAPPALLI.
- 3 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.



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+1 CC to M/s.C.M.ARUMUGAM, Advocate ( SR-14562[I] dated 03/10/2023 )

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ORDER  
IN  
CRL MP(MD) No.13853 of 2023  
in  
CRL RC(MD)No. 373 of 2023  
Date :29/09/2023

PKP/VRS/SAR- /19.10.2023/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified  
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