



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.02.2023

PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

CRL.M.P (MD) No.16353 of 2022
in
Crl.O.P (MD) No.9820 of 2022

R.Chandrakala

...Petitioner/Petitioner

-vs-

The State represented by
Sub Inspector of Police,
District Crime Branch,
Kanyakumari District.
(in Cr.No.15 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439(1)(B) of Cr.P.C, praying to modify the condition to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the credit of Crime No.15 of 2022 before the learned Judicial Magistrate No.I, Nagercoil imposed by this Court in Crl.O.P(MD)No.9820 of 2022 dated 03.11.2022 into a sum of Rs.5,00,000/- (Rupees Five Lakhs Only).

For Petitioner	: Mr.A.Mohamed haneef
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)
For Intervenor	: Mr.M.R.Sreenivasan

O R D E R

This petition is filed seeking modification of condition imposed in Crl.O.P(MD)No.9820 of 2022 dated 03.11.2022 to pay a sum of Rs.15,00,000/- to the credit of Crime No.15 of 2022 before the learned Judicial Magistrate No.1, Nagercoil.

2.The learned counsel for the petitioner would submit that the petitioner had on the earlier hearing i.e on 08.02.2023 agreed to appear before this Court and pay a sum of Rs.12 lakhs on or before 16.02.2023 and she is unable to appear before this Court today since she has been arrested in another case. However, the learned counsel for the petitioner would submit that a Demand Draft for Rs.12 lakhs was instructed to be handed over to the defacto complainant.

3. Mr.M.R.Srinivasan, learned counsel for the intervenor would submit that he has received a Demand Draft for Rs.12 lakhs drawn in



4. Mr.Mohamed Haneef, learned counsel for the petitioner submit that this Court may also take note of the affidavit of undertaking given by the intervenor/defacto complainant that in the event of the petitioner succeeding in the criminal case, the defacto complainant has to refund the amount.

5. Mr.M.R.Srinivasan, learned counsel for the intervenor/defacto complainant would submit that in the event of the petitioner succeeding in the criminal case, the defacto complainant would repay the amount with the bank interest prevailing at the relevant point of time.

6. Recording the same, this petition stands closed.

7. Time for executing sureties is extended by further period of 6 weeks from the date of receipt of a copy of this order.

sd/-

16/02/2023

/ TRUE COPY /

/03/2023

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

CM

TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-2505[I] dated
20/02/2023)

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-2614[I] dated
21/02/2023)

ORDER

IN

CRL MP(MD) No.16353 of 2022

IN

CRL OP(MD) No.9820 of 2022

Date :16/02/2023

VA/VS/SAR-2(03/03/2023) 2P/7C

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