



WEB COPY

Crl.O.P.(MD)No.20707of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.20707 of 2023

M.Murugan ... Petitioner/Appellant/Accused

Pandidurai Vs.
... Respondent/Respondent/
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed by the learned Additional District Judge, Fast Track Court, Theni District, dated 23.08.2023 in Crl.M.P.No. 2368 of 2023 and further direct the learned Principal Sessions Judge, Theni District, to extend the order passed by him in Crl.M.P. No.1285 of 2023 in Crl.A.No.48 of 2023, dated 13.04.2023.

For Petitioner : Mr.R.L.Dhilipan Pandian,
for Mr.D.RajaBoopathy

ORDER

This Criminal Original Petition is filed to set aside the order passed by the learned Additional District Judge, Fast Track Court, Theni District, dated 23.08.2023 in Crl.M.P.No.2368 of 2023 and further direct



the learned Principal Sessions Judge, Theni District, to extend the order passed by him in Crl.M.P. No.1285 of 2023 in Crl.A.No.48 of 2023, dated 13.04.2023.

2. The learned Judicial Magistrate, Fast Track Court, Uthamapalayam, has passed an order in S.T.C. No.129 of 2022, dated 22.02.2023, convicting and sentencing the petitioner to undergo one year Simple Imprisonment and Rs.3,00,000/- as compensation amount to be paid to the defacto complainant, against which, this petitioner preferred an appeal before the Principal District and Sessions Judge, Theni, in C.A.No.48 of 2023. Along with the above said appeal, a petition, seeking suspension of sentence was filed and that was also considered by the appellate Court, directing the petitioner to pay 20% of the amount that was ordered by the trial Court. But unable to mobilise the fund, he filed a petition seeking extension of time. For the first time, it was considered on 24.05.2023 in Cr.M.P.No.333 of 2023 in Crl.M.P.No.1285 of 2023 in C.A.No.48 of 2023, granting time on or before 09.06.2023. Again he moved another application seeking second extension of time, but it came to be dismissed by the appellate Court stating that the second extension petition is not permissible, against which, this petition has been filed.



3. Even though the reason assigned by the petitioner may not be acceptable, considering the undertaking given by the petitioner to deposit above said amount within a period of one month, the above said dismissal order passed by the learned Additional District Judge, Fast Track Court, Theni District, dated 23.08.2023 in Crl.M.P.No.2368 of 2023 in Cr.M.P.No.333 of 2023 in Crl.M.P.No.1285 of 2023 in C.A.No. 48 of 2023, is set aside. Accordingly, this Criminal Original Petition is allowed, granting 20 days time to deposit the conditional amount of Rs.3,00,000/- before the concerned Court.

4. With the above said direction, this Criminal Original Petition is allowed.

20.11.2023

Index : Yes/No
Internet : Yes/No
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G.ILANGOVAN. J.

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To

- 1.The Additional District Court,
Fast Track Court, Theni District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.20707 of 2023

20.11.2023