



WEB COPY



Crl.O.P.No.18554 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.18554 of 2024

Madhan @ Mohammed Sabi

... Petitioner

Vs.

The State Rep. By
The Inspector of Police
Palladam Police Station,
Tiruppur District.
(Crime no.659 of 2023)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the learned Judicial Magistrate, Palladam to extend the time for furnishing the sureties by the petitioner herein and accept the same in Crl.M.P.No.248 of 2024 on the file of the learned Judicial Magistrate, Palladam.

For Petitioner : Mr.S.Surya

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to set aside the docket order of the Judicial Magistrate who has returned the surety papers, since



CrI.O.P.No.18554 of 2024

it was not presented within the time granted to the petitioner while passing order in bail Application filed under Section 167(2) of Cr.P.C.,

2. The substance of the petition is that the petitioner herein was granted bail under Section 167(2) Cr.P.C., on 20.06.2024 with condition that he should furnish surety within a week. However, he could not furnish the surety within the time stipulated and when he presented the surety memo on 24.07.2024, the same was returned with endorsement “not presented within the time granted”.

3. The learned counsel appearing for the petitioner states several reasons for the delay in furnishing the surety. However, those reasons were not reflected by way of memo or petition before the Judicial Magistrate to accept surety beyond the time stipulated. Having done so, definitely the Judicial Magistrate would have considered it and accepted the surety. Having failed to file memo or petition to condone the delay seeking extension of time for furnishing surety, this petitioner has come to this Court invoking Section 482 of Cr.P.C., It is time and again been recorded by the viscera of judgments that power under Section 482 of



Crl.O.P.No.18554 of 2024

Cr.P.C., has to be sparingly exercised and it can be substituted for all the provisions under Cr.P.C.

4. Hence the Criminal Original Petition is dismissed with liberty to the petitioner herein to move the Judicial Magistrate along with application for condone the delay seeking extension of time stating the reason. If any such application is filed, the Judicial Magistrate shall consider the same and pass appropriate orders.

02.08.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Judicial Magistrate, Palladam.

2.The Inspector of Police
Palladam Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



CrI.O.P.No.18554 of 2024

Dr.G.JAYACHANDRAN,J.

rpl

CrI.O.P.No.18554 of 2024

02.08.2024