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Crl.M.P.No.14109 of 2024
in Crl.R.C.No.925 of 2024

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M. NIRMAL KUMAR, J.

The petitioner/accused in C.C.No.71 of 2014 was convicted by the trial Court, which was confirmed by the Lower Appellate Court. Against his conviction and sentence, he preferred a revision before this Court in Crl.R.C.No.925 of 2024 along with suspension of sentence petition. This Court, by order dated 30.05.2024, granted suspension of sentence with conditions. In the meanwhile, the petitioner fell sick, it took some time to recover and thereafter he had to find out two sureties and identified two sureties and filed a petition to execute sureties on 08.08.2024. The Lower Court returned the surety memo along with documents as follows:

“There is no prescribed period mentioned in Hon'ble High Court order but condition date are expired. Hence Returned.”

Hence, the petitioner filed the present petition seeking extension of time and also a direction to the learned Judicial Magistrate No.I, Perambalur to entertain the petitioner's plea.



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2.The learned Additional Public Prosecutor submitted that in this case, the petitioner was granted suspension of sentence on 30.05.2024, for three months, he had not taken any steps and during August, 2024 only, he attempted to execute sureties, which was returned. In the order copy, there is no mention about the period, within which time the sureties can be executed. The respondent police has got no objection for the petitioner to execute sureties now.

3.Considering the submission made on either side and on perusal of the materials, it is seen that in the order dated 30.05.2024 in Crl.M.P.No.7880 of 2024, there was no time limit fixed. In view of the same, the learned Judicial Magistrate ought to have received the surety memo along with sureties and accepted the same, if it is satisfactory. On the other hand, returning the same on technicality by giving its own interpretation is not proper.

4.In view of the same, the time is extended by two weeks from the date of receipt of a copy of this order to execute sureties before the learned Judicial Magistrate-I, Perambalur and the learned Magistrate is directed to accept the surety memo along with sureties.



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5.The Registry is directed to return the originals to the petitioner, which were filed as typed set in the above revision to enable him to submit before the learned Judicial Magistrate.

6.Accordingly, this Criminal Miscellaneous Petition is ordered.

24.10.2024

rsi

Note: Issue order copy on 29.10.2024.



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