



Crl.R.C.(MD)No.1101 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.R.C.(MD)No.1101 of 2024

V.S.Rajapathi

... Petitioner

Vs.

Rajendran

... Respondent

PRAYER : Criminal Revision Petition filed under Section 438 r/w 442 of BNSS, to call for the records and set aside the order in Crl.M.P.No. 655 of 2024 in connection with Crl.A.No.109 of 2024 dated 01.10.2024 on the file of the learned Principal District Sessions Judge, Karur and set aside the same, and permit the petitioner to extend the time to deposit the ordered 25% of the compensation amount out of the total amount of Rs. 47,500/- in S.T.C.No.125 of 2020 before the learned District Munsif cum Judicial Magistrate, Aravakurichi.

For Petitioner : Mr.S.Vinodh



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ORDER

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The present Criminal Revision Case is directed against the order passed in Crl.M.P.No.655 of 2024 in C.A.No.109 of 2024, dated 01.10.2024, on the file of the learned Principal District Sessions Judge, Karur.

2. Challenging the judgment of conviction and sentence passed in S.T.C.No.125 of 2020, dated 08.05.2024, on the learned District Munsif cum Judicial Magistrate, Aravakurichi, the petitioner/accused had preferred an appeal before the learned Principal District Sessions Judge, Karur in C.A.No.109 of 2024 along with an application seeking suspension of sentence in Crl.M.P.No.655 of 2024. The Principal District Sessions Judge, Karur, while suspending the sentence, had directed the petitioner to deposit 25% of the compensation amount to the credit of S.T.C.No.125 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Aravakurichi on or before 26.08.2024, and had adjourned the matter to 27.08.2024 for reporting compliance. On that date, at request of the petitioner, time was extended till 09.09.2024, and again on 09.09.2024, time was extended for the compliance till



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01.10.2024. Finally, on 01.10.2024, after giving sufficient opportunity to the petitioner, the learned Principal District and Sessions Judge, Karur, by referring the judgment of the Hon'ble Supreme Court in *Surinder Singh Deswal @ Col.S.S.Deswal vs. Virender Gandhi in Criminal Appeal Nos.1936 – 1963 of 2019 dated 08.01.2020*, had dismissed the petition and cancelled the relief of suspension of sentence granted to the petitioner. Aggrieved by the said dismissal of petition, the present revision came to be filed before this Court.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is the senior citizen, who is aged about 60 years, and is ready to deposit the amount as ordered by the learned Principal District and Sessions Judge, Karur within a period of one month from the date of receipt of a copy of the order of this Court.

4. Considering the submission made by the learned counsel for the petitioner, and also considering the age of the petitioner, this Court is inclined to interfere with the order passed by the learned Principal



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District and Sessions Judge, Karur. Hence, the order passed by the learned Principal District and Sessions Judge, Karur in Crl.M.P.No.655 of 2024 in C.A.No.109 of 2024 dated 01.10.2024 is hereby set aside on condition that the petitioner shall deposit 25% of the compensation amount, within a period of one month from the date of receipt of a copy of this order, as ordered by the learned Principal District and Sessions Judge, Karur vide Crl.M.P.No.655 of 2024 in C.A.No.109 of 2024 dated 24.07.2024.

5. With the above direction, this Criminal Revision Case is allowed.

11.11.2024
(1/3)

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No



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P.VADAMALAI, J.

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To

- 1.The Principal District Sessions Court,
Karur
- 2.The District Munsif cum Judicial Magistrate Court,
Aravakurichi

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