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Crl.O.P.No.3950 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3950 of 2025

John Franklin
S/o.Iruthaya Santharaj, No.17/8, Sabapathy Street,
Perambur, Chennai-600 011

Petitioner(s)

Vs

State Rep By Its
Inspector Of Police, P-6, Kodungaiyur Police Station,
Chennai Cr.No.192/2024

Respondent(s)

PRAYER: This criminal original petition has been filed under Section 483(1)(b) of BNSS to modify the condition imposed in Crl.M.P. No.59159 of 2024 dated 30.09.2024 on the file of the X Metropolitan Magistrate Court, Egmore in para 9(i) that the petitioner shall pay a sum of Rs.33,00,000/- to the defacto complainant as per the affidavit filed by the defacto complainant and accused report to this Court on or before 26.12.2024.

For Petitioner(s) : M/s. T.N.Rangesh Kanna

For Intervenor : M/s. Sivanthy M.V.V.N

For Respondent(s) : Mr. S. Balaji,
Government Advocate (Crl.Side)



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ORDER

This criminal original petition has been filed seeking to modify the condition in para No.9(i) imposed on the petitioner vide order dated 30.09.2024 in Crl.M.P. No.58945 of 2024 in connection with Crime No.192 of 2024 passed by the learned X Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel appearing for the petitioner would submit that the petitioner was granted bail in Crl.M.P.No.58945 of 2024 dated 30.09.2024 in connection with Crime No.192 of 2024; that while granting bail, the learned X Metropolitan Magistrate, Egmore imposed a condition that the petitioner shall pay the balance amount of Rs.33,00,000/- to the defacto complainant, as per the affidavit filed by the defacto complainant, on or before 26.12.2024; that the petitioner so far paid a sum of Rs.10,00,000/- to the defacto complainant out of the said Rs.33,00,000/- and could not mobilize the balance amount within the stipulated three months period i.e., on or before 01.01.2025, therefore, seeks further time of three months to pay the balance amount of Rs.23,00,000/- to the defacto complainant and for necessary modification to the condition in para 9(i) of the aforesaid order.



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3. The learned Government Advocate (Crl. Side) appearing for the respondent police submits that the petitioner entered into an Unregistered Joint Venture Agreement as regards the vacant house site at Erukkencherry Village; that as per the agreement, the petitioner had not allotted the portion to the defacto complainant and sold the same to the third party; that based upon the complaint of the defacto complainant, a case has been registered against the petitioner for the offences under Sections 406, 420, 294(b) and 506(i) of IPC and subsequently remanded to judicial custody on 26.09.2024; that thereafter, the petitioner approached the X Metropolitan Magistrate Court, Egmore for bail in Crl.M.P.No.58945 of 2024 and the same was allowed on 30.09.2024 based on the joint compromise memo filed between the parties; and that however, the petitioner herein had not complied with the said condition of deposit imposed on him as per the aforesaid order, therefore, opposed for this modification petition.

4. The learned counsel appearing for the defacto complainant reiterated the submissions made by the learned Government Advocate (Crl. Side) and confirms that the defacto complainant had received a sum of Rs.10 lakhs out of Rs.33 lakhs and also confirms that there was a compromise arrived.



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5. Taking note of the facts and circumstances of the case, considering the submissions made by the learned counsels on either side, the fact that the petitioner had so far paid a sum of Rs.10,00,000/- out of Rs.33,00,000/- and also undertakes to pay the balance amount of Rs.23,00,000/- within a period of three months, **this Court is inclined to modify the condition in para No.9(i) imposed on the petitioner in Crl.M.P.No.58945 of 2024 dated 30.09.2024 to the effect that the petitioner shall pay the balance amount of Rs.23,00,000/- to the defacto complainant and report before the X Metropolitan Magistrate Court within a period of three months from today. The other conditions imposed on the petitioner in the aforesaid order shall remain unaltered.**

6. Accordingly, this criminal original petition is ordered.

17.02.2025

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To

1. The Inspector Of Police,
P-6, Kodungaiyur Police Station,
Chennai. Cr.No.192/2024.
2. The X Metropolitan Magistrate,
Egmore, Chennai.



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SUNDER MOHAN, J.

stn

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