



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE **M.V.MURALIDARAN**

Crl.O.P.(MD) No.6233 of 2017

and

Crl.M.P(MD)No.4194 of 2017

T.Chenthil

... Petitioner

Vs.

P.Kalidhas

... Respondent

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.4011 of 2016 on the file of the Principal Sessions Court, Nagercoil directing the petitioner to deposit 50% of the cheque amount ie., 3,37,000/- within a period of 20.04.2017.

For Petitioner : Mr.P.T.Ramesh Raja

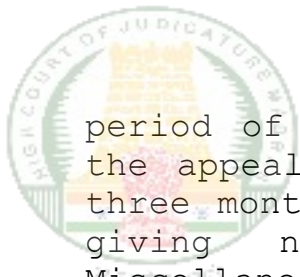
O R D E R

This petition has been filed praying to set aside the order passed in Crl.M.P.No.4011 of 2016 on the file of the Principal Sessions Court, Nagercoil directing the petitioner to deposit 50% of the cheque amount ie., 3,37,000/- within a period of 20.04.2017.

2.The petitioner has filed an application in Crl.M.P.No.4011 of 2016 along with the appeal before the learned Principal Sessions Judge, Nagercoil, for condoning the delay of 22 days in filing the appeal against the order passed in S.T.C.No.246 of 2014. Considering the case, the learned Judge directed the petitioner to deposit 50% of the cheque amount of Rs.3,37,000/-. Challenging the said order, this Criminal Original Petition has been filed for quashing the said order.

3.Since the petitioner filed the petition to condone the delay of 22 days only, the learned Judge ought to have considered only the cost to be awarded for the condone delay. Without doing so, he has passed the order directing the petitioner to deposit half of the amount is totally onerous. Therefore, this Court is inclined to condone the delay on terms by setting aside the order in Crl.M.P.No.4011 of 2016.

4.Accordingly, this petition is allowed by setting aside the order in Crl.M.P.No.4011 of 2016 and the delay is condoned on terms that the petitioner shall pay a sum of Rs.5,000/- to the Mediation and Conciliation Centre attached to this Bench within a



period of two weeks and the learned Judge is directed to number the appeal and dispose of the same on merits within a period of three months from the date of receipt of a copy of this order by giving notice to both parties. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

The Principal Sessions Judge,
Nagercoil.

+2cc to M/S.P.T.Ramesh Raja, Advocate SR.No. 56881,57027

ORDER MADE IN
Crl.O.P. (MD) No.6233 of 2017
18.05.2017

PS
JM/SKN/SAR 2/01.06.2017/2P/4C