

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.28316 of 2018

P.Senthilkumar

...Petitioner/Petitioner/Accused

-Vs-

P.Ragunathan

...Respondent/Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to modify the onerous condition alone i.e., to deposit 20% of cheque amount within 10 days from the date of the order passed in C.M.P.No.2406 of 2018 in C.C.No.11 of 2016 on the file of Judicial Magistrate, Kangeyam dated 01.11.2018.

For Petitioner : Mr.C.S.Saravanan

ORDER

This criminal original petition has been filed seeking to modify the condition imposed by the Court below, while allowing a petition filed by the petitioner for examination of additional witnesses.

2. The petitioner is facing trial before the Court below for an offence under Section 138 of the Negotiable Instruments Act. The petitioner filed an application under Section 243(2) of Cr.P.C, in order to examine three witnesses on the side of the defence. The Court below, while considering this petition has taken note of the fact that the case is pending from 2016 onwards and the complainant's side evidence was closed on 19.08.2016. Thereafter, the case was adjourned from time to time for the purpose of defence evidence till 05.10.2018. Thereafter, an application came to be filed by the petitioner seeking to examine the additional witnesses. The Court below, while considering the petition was pleased to allow the petition on the condition that the petitioner shall deposit 20% of the cheque amount. Aggrieved by the same, the petitioner has approached before this Court.

3. The learned counsel for the petitioner would submit that the condition imposed by the Court below is onerous and the petitioner is not in a position to comply with the condition imposed by the Court below. The learned counsel requested this Court to consider reducing the amount to be deposited by the petitioner.

4. In the facts and circumstances of the case, even though this Court does not find any ground to interfere with the orders passed by the Court below, the petitioner is directed to deposit a sum of Rs.30,000/- before the trial Court instead of 20% of the cheque amount imposed by the Court below. This amount shall be deposited within a period of one week from the date of receipt of a copy of this order. The other conditions imposed shall be complied with by the petitioner.

5. This Criminal Original Petition is disposed of by modifying the condition imposed by the Court below to the extent indicated above. The Court below shall dispose of the case in C.C.No.11 of 2016, within a period of two months from the date of receipt of a copy of this order.

rna

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Kangayam.

2.Do- Thro:The Chief Juidicial Magistrate,
Tiruppur.

+1CC To Mr.C.S.Saravanan,Advocate, SR.NO.83698.

VGI (CO)
KAK(28/12/2018)

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