

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2759 of 2019
in Crl.M.P.No.1789 of 2019

B.Krishnaveni

...Petitioner

Vs.

Sargunam

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the proceedings in C.C.No.1214 of 2018, on the file of the learned Fast Track Metropolitan Magistrate Court, Egmore, Chennai - 600 008, and set aside the order passed in C.C.No.1214 of 2018, dated 20.11.2018.

For Petitioner : M/s.P.Bakiyaraj

For Respondent : Mr.V.Prabhu

ORDER

This Criminal Original Petition has been filed against the order passed by the Court below, directing the petitioner to pay an interim compensation of 20% of the cheque amount.

2. The petitioner is facing trial before the Court below for an offence under Section 138 of Negotiable Instrument Act. During the course of the proceedings, the respondent/complainant filed a petition under Section 143 A of the Negotiable Instruments Act and sought for a direction to direct the petitioner to deposit 20% of the cheque amount as interim compensation. The Court below has allowed the petition and has directed the petitioner to pay the interim compensation amount.

3. The learned counsel for the petitioner submitted that the facts of the present case is squarely covered by the judgment of this Court made in GR Enterprises and another Vs. Anbalaghan in Crl.O.P.Nos.15438 and 15440 of 2019, dated 12.07.2019.

4. The learned counsel for the respondent submitted that the Court below, after taking into consideration the facts and circumstances of the case has directed the petitioner to pay the interim compensation amount as contemplated under Section 143 (A) of the Negotiable Instruments Act.

5. The facts of this case is squarely covered by the judgment of this Court referred supra and the Court below has passed the order without assigning any reason whatsoever. Therefore, the order passed by the Court below, requires inference by this Court.

6. The order passed by the Court below is set aside and the Court below is directed to complete the proceedings in C.C.No.1214 of 2018, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Fast Track Court No.I,
Metropolitan Magistrate Court, Egmore,
Chennai.

2. The Public Prosecutor,
High Court of Madras.

CRL.O.P No.2759 of 2019

BP(CO)
SSM(10/09/2019)

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