

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9445 of 2019
and Crl.M.P.Nos.4963, 4964 of 2019

B.V.K.Babu

... Petitioner

Vs

P.K.Velumani

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records and set aside the order dated 14.11.2018 directing the petitioner to deposit 20% of the cheque amount under 143(1) of Negotiable Instruments Act in S.T.C.No.145 of 2018, pending on the file of the FTC (Judicial Magistrate Level), Tiruchengode.

For Petitioner : Mr.S.Senthil

O R D E R

This Criminal Original Petition has been filed to call for the entire records and set aside the order dated 14.11.2018 directing the petitioner to deposit 20% of the cheque amount under 143(1) of Negotiable Instruments Act in S.T.C.No.145 of 2018, pending on the file of the FTC (Judicial Magistrate Level), Tiruchengode.

2.Heard the learned counsel for the petitioner.

3.The petitioner submits that he borrowed a sum of Rs.5,00,000/- as hand loan from the respondent during July 2015, for which he entrusted a cheque bearing No.520008, Syndicate Bank, Kalingarayanpalayam Branch, as security for the borrowed sum. The petitioner further submits that the above cheque was a blank cheque issued in favour of the respondent, since, the petitioner and the respondent were friends and knew each other, it was issued based on trust. Thereafter, he repaid Rs.3,00,000/- towards Principal amount and Rs.1,25,000/- separately as interest in May 2016. Further, he paid another Rs.2,00,000/- towards Principal and Rs.55,000/- separately towards interest and thus closed the hand loan borrowed from the

respondent, during July 2017. The petitioner humbly submits that all of a sudden the respondent has filed the present S.T.C.No.145 of 2018, against this petitioner, claiming an exorbitant amount of Rs.30,00,000/- which is false, vexatious and against the true facts. The learned Magistrate/Fast Track Magistrate Court, Tiruchengode, has directed the petitioner/accused to furnish two sureties for a sum of Rs.10,000/- and execute bond on the next hearing i.e., 19.09.2018, for compliance of the said order it has been adjourned to 31.10.2018, 14.11.2018, the learned Magistrate suo-moto modified its own order by directing the petitioner to deposit 20% of the cheque amount under 143(1) of Negotiable Instruments Act on 29.11.2018 instead of furnishing two sureties for a sum of Rs.10,000/- by executing a bond. Hence, this petition has been filed.

4.Considering the above facts and circumstances, this Court does not find any merits in this petition seeks this Court no legality or illegality of the order passed by the trial Court.

5.Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

rna

To

The Judicial Magistrate,
The Fast Tract Court,
Tiruchengode.

+1cc to Mr.S.Senthil, Advocate, S.R.No. 34186

Cr1.O.P.No.9445 of 2019
and Cr1.M.P.Nos.4963, 4964 of 2019

RSI (CO)
GN(07/05/2019)