

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.O.P.NO.31635 OF 2019

M.M.Gunasekaran

...Petitioner/Petitioner/Accused

Vs

G.Kaliyappan

...Respondent/Respondent/Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order passed by the learned Judicial Magistrate, Harur, Dharmapuri District in Crl.M.P.No.5769 of 2019 in S.T.C.No.70 of 2014 dated 06.11.2019.

For Petitioner : Mr.E.Kannadasan

O R D E R

The prayer sought for in the present petition is to set aside the order passed by the learned Judicial Magistrate, Harur, Dharmapuri District in Crl.M.P.No.5769 of 2019 in S.T.C.No.70 of 2014 dated 06.11.2019.

2. According to the learned counsel for the petitioner, the order recalling the warrant for a condition to pay a sum of Rs.20,000/- is very onerous and that the petitioner herein is unable to mobilize the said amount.

3. The powers of the learned Magistrate to impose a condition is discretionary and normally this Court will not interfere with a discretion exercised. Nevertheless, by taking a lenient view on the submission made by the learned counsel for the petitioner that they are unable to mobilize the amount of Rs.20,000/-, this Court is of the view that the amount could be reduced.

4. In the light of the above observation, the order passed by the learned Judicial Magistrate, Harur, Dharmapuri District

in CrI.M.P.No.5769 of 2019 dated 06.11.2019, is modified to the effect that the non-bailable warrant issued on 18.09.2019 is recalled, on condition that the petitioner pays a sum of Rs.10,000/- (Rupees Ten Thousand only) to the respondent herein and produce the proof of such payment before the learned Judicial Magistrate in S.T.C.No.70 of 2014.

5. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

hvk

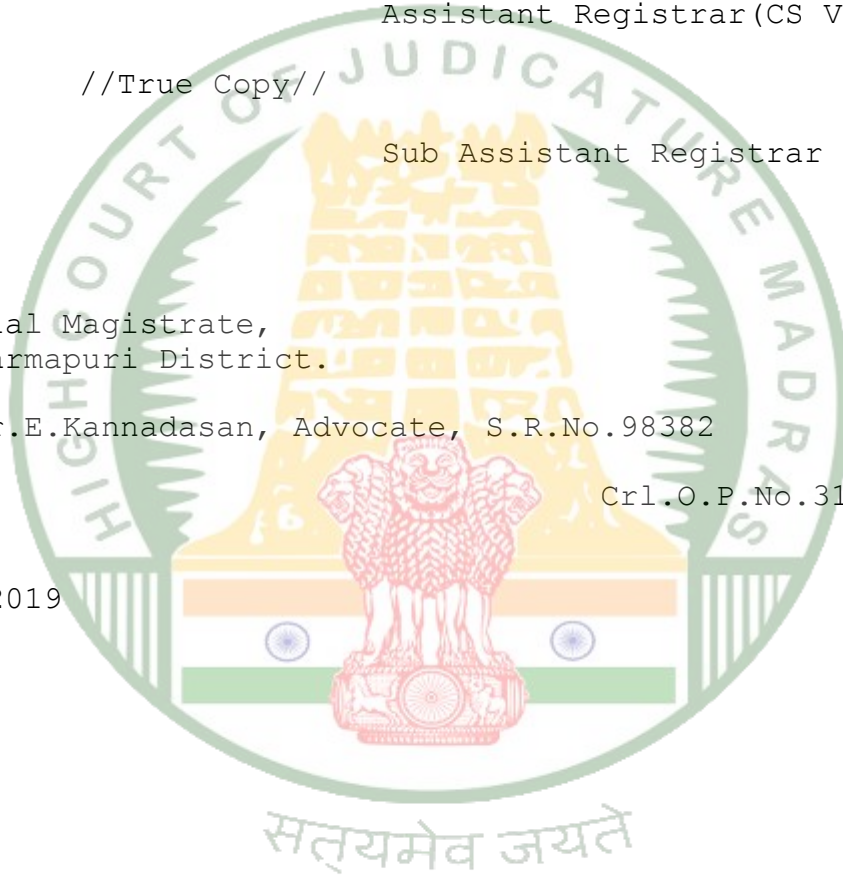
To

The Judicial Magistrate,
Harur, Dharmapuri District.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.98382

CrI.O.P.No.31635 of 2019

RJI (CO)
CS/29/11/2019



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