

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.18289 of 2019

IN CRL.RC.NO.1233 OF 2019

1 B.SIVAKUMAR [PETITIONERS]
2 M/S.PENTA CUT TOOLS
3 V.JEYANTHI
PARTNER, M/S.PENTA CUT TOOLS,

Vs

B.VIVEKANANDAN [RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.1233/2019 on the file of the High Court, the High Court will be pleased to modify the order passed by this Honble Court dated 13.11.2019 in Crl.M.P.No.16459/2019 in Crl.R.C.No.1233/2019 and directing me to pay the amount of Rs.1,07,500/- being 50 percentage of the Cheque amount to the credit of [*] **C.C No.3235/2012** on the file of Metropolitan Magistrate Fast Track Court No.1, Egmore At Allikulam chennai pending disposal of the criminal Revision Petition.[CRL.MP.NO.18289/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.1233/2019 on the file of the High Court and upon hearing the arguments of M/S.A.BALASINGH RAMANUJAM Advocate for the petitioner the court made the following order:-

Seeking modification of one of the conditions imposed on the petitioner by this Court vide the order dated 13.11.2019, in which, the petitioner was, *inter alia*, directed to deposit a sum of Rs.1,75,000/-, this petition is filed.

2. It is the claim of the petitioner that the disputed cheque amount before the trial Court is only a sum of Rs.2,15,000/-, though the complainant claimed that the total amount due for the entire transactions from the petitioner is Rs.3,50,000/-. However, in paragraph 3 of the order dated 13.11.2019, inadvertently the cheque amount was mentioned as Rs.3,50,000/-. Consequently, in paragraph 5 (a) of the said order, the petitioner/accused was directed to deposit a sum of Rs.1,75,000/-, being the 50% of the cheque amount.

3. Heard the learned counsel for the petitioner and perused the

materials placed before this Court.

4. Considering the facts and circumstances of the case and having regard to the submission of the learned counsel for the petitioner, this Court is inclined to modify one of the conditions, viz., paragraph 5(a) of the order dated 13.11.2019. Accordingly, the reliefs of exemption from surrender before the trial court, suspension of sentence and bail are granted to the petitioner on condition that he shall deposit a sum of Rs.1,07,500/-, being 50% of the cheque amount before the trial Court within four weeks from the date of receipt of a copy of this order and on such deposit being made, the Trial Court shall redeposit the said amount in a fixed deposit account in any nationalized bank initially for a period of three years, which shall be renewed for the similar period, till the disposal of this revision. The disbursal of this amount shall be decided at the culmination of the Criminal Revision Case.

5. The other conditions, namely, paragraph 5(b) to 5(e) of the order dated 13.11.2019 shall remain unaltered.

6. Post the matter on 10.01.2020 for reporting compliance.

-sd/-

11/12/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

[*]Amended and time to comply with the order dated 11.12.2019 passed by this court in the above petition expired on 10.01.2020, time is extended for one week from today to comply with the said order, as per the order of this court dated 03/02/2020 made in CRL.MP.NO.18289/2019 IN CRL.RC.NO.1233/2019.

TO

1 THE METROPOLITAN MAGISTRATE,
FAST TRACK COURT NO.1 EGMORE AT ALLIKULAM,
CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

+1 C.C. to M/S.A.BALASINGH RAMANUJAM Advocate on payment of
necessary charges SR.NO.2001

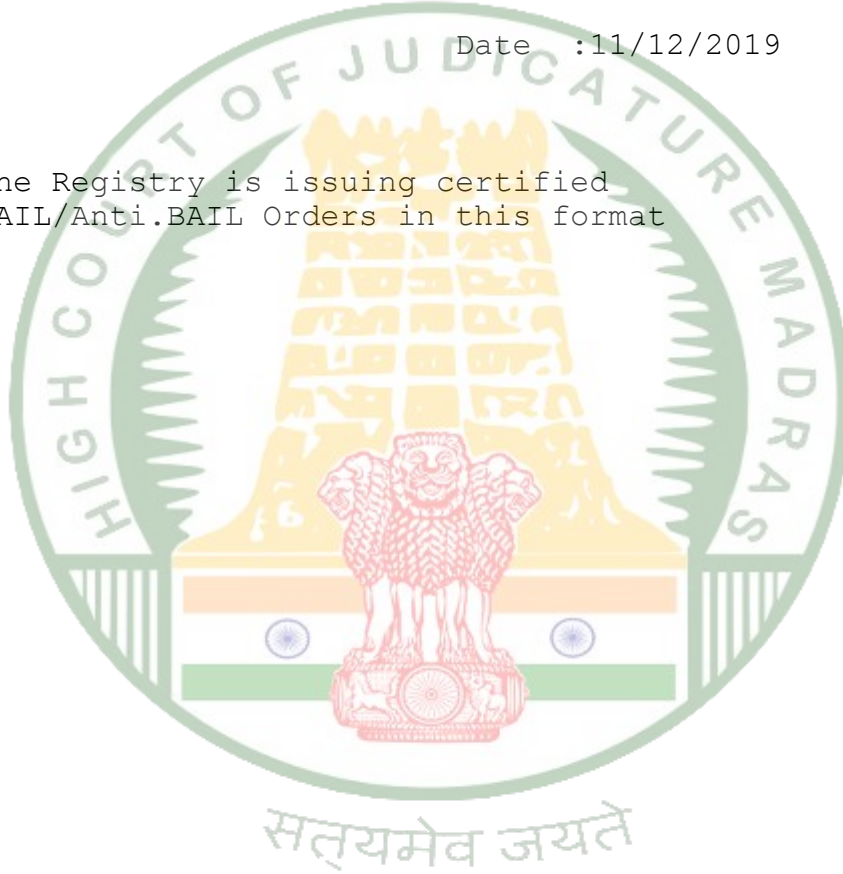
Order

in
CRL MP.18289/2019

IN CRL.RC.NO.1233 OF 2019

Date :11/12/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 13/12/2019
RD 04/02/2020



WEB COPY