



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P (MD) No.12220 of 2019

Nageswari

... Petitioner

Vs

M/s.Sankarkumar Oil Mills,
No.72, Avallappasamy Kovil Street,
Virudhunagar (through its Partner P.Vennila),
Rep. by its attorney Pandiarajan.

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to modify the condition in so far as to directing the petitioner to deposit a sum of Rs.1,70,000/- before the trial Court vide order dated 21.08.2019 made in Cr.M.P.No.2760 of 2019 on the file of the Principal District and Sessions Court, Virudhunagar at Srivilliputhur.

For Petitioner : Mr.R.Gandhi

For Respondent : Mr.P.Malini

ORDER

The petitioner herein is the appellant in Cr1.A.No.81 of 2019 on the file of the Principal District and Sessions Court, Virudhunagar District, Srivilliputhur.

2.The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act by the trial Magistrate in C.C.No.131 of 2013 on the file of the Judicial Magistrate No.I, Virudhunagar. The Appellate Court stipulated a condition that the petitioner shall deposit 50% of the compensation amount. Aggrieved by the said condition, this criminal original petition has been filed.

3.Heard the learned counsel on either side.

4.As per the recent amendment, the Appellate Court has the discretion to order the appellant to deposit such sum which shall be not less than 20% of the compensation amount awarded by the trial Court.



5.I am of the view that in the interest of justice, instead of directing the petitioner to deposit 50%, she can be directed to deposit minimum amount prescribed by the Statute. Therefore, the condition imposed by the Appellate Court is modified and the appellant is directed to deposit 20% of the compensation amount.

6.The learned counsel appearing for the complainant points out that the case was instituted way back in the year 2013 and that, therefore, the appeal can be disposed of at an earlier date.

7.I find the said request to be reasonable. Therefore, the Principal District and Sessions Court, Virudhunagar District, Srivilliputhur is directed to dispose of CrI.A.No.81 of 2019, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. The appellant is given time to deposit the compensation amount till 21.10.2019.

8.With this direction, this criminal original petition is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal District and Sessions Court,
Virudhunagar, Srivilliputhur.

2.The Judicial Magistrate No.I, Virudhunagar.

3.The Chief Judicial Magistrate, Virudhunagar at Srivilliputhur.

+1 CC to M/s.P.MALINI, Advocate (SR-86346[F] dated 12/09/2019)

+1 CC to M/s.R. GANDHI, Advocate (SR-86823[F] dated 16/09/2019)

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