

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P.No.34230 of 2019

Senthilmurugan

... Petitioner

Vs.

Velayutham

.... Respondent

PRAYER: Criminal Original petition is filed under Sections 482 of the Code of Criminal Procedure, to modify the condition imposed in C.M.P.No.3270 of 2019, dated 05.12.2019 and may be permitting the petitioner to execute a personal bond Rs.50,000/- with two sureties instead of the petitioner/accused is direct to deposit of Rs.50,000/- to this Criminal Court deposit account on 20.12.2019.

For Petitioner : Mr.P. Kalimuthu

For Respondent : Mrs.S.Thankira
Government Advocate
(Crl. Side)

O R D E R

This Criminal Original petition has been filed seeking to modify the condition imposed on 05.12.2019 in Crl.M.P.No.3270 of 2019 by the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Kallakurichi.

2. The petitioner has been convicted for the offences punishable under Section 138 of the Negotiable Instruments Act. The Bailable Warrant was issued against him in the year of 2017. On 05.12.2017, the petitioner voluntarily surrendered for the purpose of recalling his Bailable Warrant issued by the Fast Track Court at Magistrate Level, Kallakurichi and the trial court had accepted his surrender and recalled the warrant pending against him and imposed conditions in C.M.P.No.3270 of 2019, dated 05.12.2019. The said order dated 05.12.2019 reads as follows:

"Accused surrendered and accepted. Complainant also present. On perusal of records. Bailable warrant pending more than 2 years, consider the objection of complainant, accused is hereby directed to deposit of Rs.50,000/- to this criminal court deposit account on 20.12.2019. Bailable warrant against accused is recalled. Further accused should submit 2 sureties as per earlier order, accordingly petition is allowed."

3. The learned counsel for the petitioner submitted that the petitioner is living and having job at Salem within the limit of the Annathanampatty Police Station. Further, he would submit that the cryptic order is passed by the learned Fast Track Court at Magistrate Level, Kallakurichi, and bailable warrant issued against him was cancelled and the petitioner was hereby directed to deposit a sum of Rs.50,000/-. The learned counsel further submitted that the petitioner could not afford to pay the said amount and the condition imposed is onerous.

4. On a perusal of the impugned order, it does not disclose the earlier conduct of the petitioner at all. It appears to be the first occasion.

5. In view of the above submissions, the petitioner is hereby directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) in C.C.No.97 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court, Magisterial Level, Kallakurichi. The other conditions shall remain intact.

6. Accordingly, this Criminal Original petition is disposed of.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1. The Judicial Magistrate, Fast Track Court,
Magisterial Level, Kallakurichi.

2. The Public Prosecutor,
Madras High Court.

CrI.O.P.No.34230 of 2019

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srg 25/02/2020