



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.3337 of 2020

Rani ... Petitioner / Accused

Vs.

K.S.Kumaradhas ... Respondent / Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records to the impugned order of issuing NBW against the petitioner in STC No.128 of 2018 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram and recall the NBW issued against the petitioner/accused dated 20.02.2019.

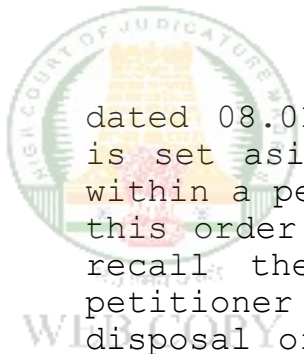
For Petitioner : Mr.S.Karthikieyan

O R D E R

The petitioner is figuring as accused in S.T.C.No.128 of 2018 on the file of the learned Judicial Magistrate No.I, Padmanabhapuram. It is a private complaint filed by the respondent herein under Section 138 of Negotiable Instruments Act. The petitioner is aggrieved by the order passed by the learned Trial Magistrate under Section 143(A) of the Negotiable Instruments Act, directing her to pay the 20% of the cheque amount. The petitioner has not complied with the said order. The petitioner counsel states that when a copy application was filed for getting a copy of the order, the same was dismissed.

2.Be that as it may, it is seen from the docket entries that straightaway the learned Trial Magistrate had directed the accused to pay 20% of the cheque amount. No doubt, Section 143(A) of the Negotiable Instruments Act empowers the Trial Magistrate to direct payment of interim compensation. But then this power can be exercised only if there are strong circumstances. In this case, no substantial reason has been assigned by the learned Trial Magistrate for passing the said order. On account of non-compliance of the said order NBW has also been issued against the petitioner.

3.In fact the complainant appears to be ready to get along with the main matter itself. Taking note of all these aspects, the order



dated 08.01.2019 directing the accused to pay interim compensation is set aside. The petitioner shall appear before the Court below within a period of three weeks from the date of receipt of a copy of this order and apply for recall of warrant. The Court below shall recall the warrant on such application is being filed. The petitioner gives an undertaking that she will cooperate for the disposal of the trial and not adopt any dragging on tactics. The learned Trial Magistrate will dispose of S.T.C.No.128 of 2018 itself on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

4.The criminal original petition is allowed on these terms.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

The Judicial Magistrate No.I,
Padmanabhapuram.

+1 CC to M/s.S.KARTHIKEYAN, Advocate (SR-12243[F] dated
18/03/2020)

+1 CC to M/s.V.M.BALAMOZHANTHAMBIL, Advocate (SR-12394[F]
dated 19/03/2020)

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SDS (04.06.2020) 2P-4C