



CrI.O.P.(MD) No.13246 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.13246 of 2022

Arumugam Pillai

... Petitioner/ Accused

Vs

P.Chakkaravarthy
(Sasi Production Owner)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to docket order dated 16.06.2022, made in Cr.M.P.No.2349 of 2022 in S.T.C.No.828 of 2016, on the file of the learned Judicial Magistrate No.I, FTC At ML, Madurai, and to set aside the same.

For Petitioner : Mr.C.Ilankaleeswaran
Advocate.

For Respondent : Mr.V.Murugan

ORDER

This Criminal Original Petition has been filed challenging the impugned order, dated 16.06.2022, made in Cr.M.P.No.2349 of 2022 in



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S.T.C.No.828 of 2016, on the file of the learned Judicial Magistrate No.I,
FTC At ML, Madurai.

2. The learned counsel for the petitioner submitted that Non-Bailable Warrant was pending as against the petitioner, therefore, the petitioner surrendered voluntarily and surrender petition has been filed and that petition was allowed subject to the condition that the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) as part amount of agreed amount and payment of cost of Rs.2,000/- (Rupees Two thousand only) to be paid to the complainant. The order was not complied. Thereafter, the petitioner filed a petition in Cr.M.P.No.2349 of 2022, seeking extension of time. The trial Court has dismissed the said petition. Now, the petitioner has approached this court to set aside the order dated 16.06.2022 and seeks extension of time to comply with the order, dated 31.05.2022.

3. The learned counsel for the respondent objected to grant time as the petitioner is being a cinema producer and he has sufficient money to pay the amount.



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4. I have considered the submission made by the learned counsel for the both parties.

5. On perusal of the records, it is seen that the petitioner is an accused in S.T.C.No.828 of 2016, on the file of the learned Judicial Magistrate No.I, FTC At ML, Madurai. He was prosecuted for the offence under Section 138 of Negotiable Instruments Act, for dishonored cheque of a sum of Rs.5,00,000/- (Rupees Five Lakhs only). Further, this Court by order dated 17.03.2022 in Crl.R.C.No.951 of 2021, directed the trial Court to complete the trial within a period of three months from the date of receipt of a copy of the order.

6. In these circumstances, the accused was not appeared before the trial Court and hence, Non- Bailable Warrant was issued. Thereafter, the accused /petitioner surrendered before the Court. While admitting surrender petition and granting bail, the trial Court directed the petitioner to pay the admitted amount of Rs.50,000/- (Rupees Fifty Thousand only) to the respondent/complainant and also imposed a cost of Rs.2,000/- (Rupees Two Thousand only). The petitioner/accused has paid a cost of Rs.2,000/-



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(Rupees Two Thousand only) and he has failed to pay the admitted amount of Rs.50,000/- (Rupees Fifty Thousand only). Hence, the trial court directed the concerned police to execute the NBW issued against the accused. At this stage, the learned counsel for the petitioner seeking two months time for payment of Rs.50,000/- (Rupees Fifty Thousand only).

7. Considering the nature of the case, this Court directs the trial Court to dispose of the case in S.T.C.No.828 of 2016, within a period of three months from the date of receipt of a copy of this order and also two weeks time is granted to comply with the order dated 31.05.2022, failing which, the concerned police is directed to execute the warrant.

8. With the above direction, this Criminal Original Petition is disposed of.

16.08.2022

Internet: Yes./No
Index: Yes/no
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To

1. The Judicial Magistrate No.I,
FTC At ML, Madurai.



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V.SIVAGNANAM, J.

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ORDER IN
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