



1 of 4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.1874 of 2023
and Crl.MP.No.1052 of 2023

Mr.C.Sadhasivam, M/63 Y
S/o.Chinnasamy

.. Petitione / Accused

.Vs.

Mr.D.Durai Srinivasan – M/60 Y
S/o.Duraisamy

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of the Judicial Magistrate No.II, Walajapet dated 27.10.2022 made in Crl.MP.No.922 of 2022 in STC No.53/2021.

For Petitioner : Mr.J.Arun Prasad

For Respondent : Mr.G.Jeremiah

ORDER

This criminal original petition has been filed challenging the order passed by the Court below in Crl.MP.No.922 of 2022, dated 27.10.2022, allowing the application filed by the respondent/complainant u/s.143-A of the Negotiable Instruments Act, 1888 and directing the petitioner/accused to deposit 10% of the cheque amount within a period of 60 days.



2.Heard Mr.J.Arun Prasad, learned counsel for the petitioner and Mr.G.Jeremiah, learned counsel for the respondent.

3.The respondent filed a complaint against the petitioner for an offence u/s.138 of the Negotiable Instruments Act, 1888. This complaint was filed in the year 2021. After a great difficulty, the summon was able to be served on the petitioner only on 13.6.2022 and the petitioner appeared before the Court for hearing only on 11.7.2022. The Court below found that summons was sent to the correct address of the petitioner and inspite of the same, the petitioner was evading the service of summons for almost one year.

4.The Court below also found the petitioner had taken a defense as if he had given a stop payment intimation to the bank and whereas the cheque was dishonored with an endorsement " exceeds arrangement".

5.The Court while exercising its discretion took into consideration the above two issues and assigned proper reasons. Ultimately, the petitioner was directed to deposit 10% of the cheque amount.

6.The order passed by the Court below does not suffer from any illegality or infirmity and the Court below properly exercise its discretion. The same does not warrant the interference of this Court.



3 of 4

7. In the light of the above discussion, this criminal original petition is dismissed and there shall be a direction to the petitioner to deposit 10% of the cheque amount i.e., Rs.2,00,000/- within a period of **four weeks from today** before the Court below. The Court below shall dispose of STC No.53/2021, within a period of four months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

29.08.2023

Index : Yes/No
Internet : Yes/No
KP

Note: Issue order copy on 5.9.2023

To
1. The Judicial Magistrate No.II,
Walajapet.

2. The Public Prosecutor
High Court, Madras.



WEB COPY

4 of 4



KP

Crl.O.P No.1874 of 2023

29.08.2023