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Crl.O.P.No.14409 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

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1. Yash Industries Pvt. Ltd.,
Rep by its Managing Partner Mrs. Sumathi,
W/o. Selvakumar,
No.165, "B" Sai Building
Avinashi Main Road,
Chinniampalayam,
Coimbatore District.

2. Aarudhra Milk INT PVT LTD.,
Rep by its Managing Partner Mrs. Sumathi
W/o. Selvakumar,
No.135/1A, Durgam Road, Madur Gramam,
Kallakurichi Taluk,
Kallakurichi District.

3. Sumathi.

....Petitioners

Vs.

Ramesh

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the condition No.2 directing the Petitioner to deposit 20% of the compensation amount as cash security before the learned Judicial Magistrate (Fast Track Court), Kallakurichi dated 26.04.2023 imposed in Crl.M.P.No.2945 of 2023 by the learned Principal Sessions Judge, Villupuram.

For Petitioner : Mr.M.R.PRabhu



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ORDER

This Criminal Original Petition has been filed to modify the condition No.2 directing the Petitioner to deposit 20% of the compensation amount as cash security before the learned Judicial Magistrate (Fast Track Court), Kallakurichi dated 26.04.2023 imposed in Crl.M.P.No.2945 of 2023 by the learned Principal Sessions Judge, Villupuram.

2. The learned counsel for the petitioner submitted that, petitioner was convicted and sentenced to undergo rigorous imprisonment for one year and to pay double the cheque amount namely Rs.1,20,00,000/- as compensation and in default to undergo simple imprisonment for two months as per the order passed by the learned Judicial Magistrate (Fast Track Court), Kallakurichi in ST.C.No.24 of 2020. Challenging the said judgment, petitioner filed criminal appeal in Crl.A.No.34 of 2023 on the file of the Principle Sessions Judge, Villupuram along with the petition for suspension of sentence. The learned Judge while suspending the sentence in Crl.M.P.No.2945 of 2023 in Crl.A.No.34 of 2023 directed the petitioner to deposit 20% of the compensation amount as cash security before the learned Judicial Magistrate (Fast Track Court), Kallakurichi. Challenging the order, present petition is filed.

3. It is the submission of the learned counsel for the petitioner that,



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petitioner is prepared to pay 20% of the cheque amount ie., 12 lakhs. Asking the petitioner to pay 20% of double the cheque amount is a huge burdern for the petitioner, when the trial Court's judgement is under challenge.

4. In the light the submission made by the learned counsel for the petitioner and that this submission is genuine and reasonable, this Court modifies the order of the learned Judicial Magistrate (Fast Track Court), Kallakurichi and directs the petitioner to deposit 20% of the cheque amount ie., Rs. 12 lakhs instead of Rs.24 lakhs within a period of four weeks from the date of receipt of copy of the order.

5. Accordingly, this Criminal Original Petition is allowed with the above said modification.

28.06.2023

Internet: Yes
Index: Yes/No
Sma

To:

Judicial Magistrate (Fast Track Court), Kallakurichi



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G.CHANDRASEKHARAN, J.
sma

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