



WEB COPY

Crl.O.P.No.22813 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22813 of 2023
and Crl.MP.No.15963 of 2023

S.Eswari

... Petitioner

-VS-

S.Indira

... Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.II, Villupuram to set aside the condition passed against the petitioner by order dated 13.04.2023 passed in Crl.MP.No.4744 of 2023 in STC.No.396 of 2022 by order dated 13.04.2023 by modifying the condition which directed the petitioner deposit 5% of the cheque amount to the credit of STC and pass such further or other orders as this Hon'ble Court deem fit.

For Petitioner : Mr.G.Mohana Krishnan

ORDER

The petitioner herein is the accused in STC.No.396 of 2022 on the file of

<https://www.mhc.tn.gov.in/judis>



Judicial Magistrate No.II, Villupuram arising out of the private complaint under
Section 138 of N.I. Act.

2. For few hearings, the petitioner did not appear before the Trial Court and therefore NBW was issued on 09.02.2023. She filed a petition to recall the warrant on 13.04.2023, but the said application was objected by the complainant. However, the Trial Court has allowed the petition to recall the warrant as a condition that the accused shall deposit 5% of the cheque amount to the credit of STC by next hearing and disposed of recall warrant petition on 13.04.2023. Against this order, the present Criminal Original Petition has been filed.

3. The learned counsel for the petitioner submits that the reason for non-appearance is due to the Covid effect, and the petitioner is ready to co-operate with the Trial. Therefore, the condition to deposit 5% of the cheque amount needs to be modified.

4. Considering the nature of the complaint, the conduct of the petitioner/accused, and the order passed by the Trial Court, this Court finds no illegality or perversity in the order passed by the Trial Court. The condition to



deposit 5% of the cheque amount is just and reasonable, since the petitioner/accused has not co-operating with the trial.

5. Accordingly, this Criminal Original Petition is dismissed. Time for complying with the condition is extended till 31.10.2023. Consequently, connected Miscellaneous Petition is closed.

13.10.2023

Index : Yes/No

Neutral Citation : Yes/No

drl

To

1.The Judicial Magistrate No.II,
Villupuram



WEB COPY

Crl.O.P.No.22813 of 2



Dr.G.JAYACHANDRAN, J.

drl

Crl.O.P.No.22813 of 2023
and
Crl.MP.No.15963 of 2023



WEB COPY

Crl.O.P.No.22813 of 2



13.10.2023