



WEB COPY

Crl.O.P.No.24988 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24988 of 2023

and

Crl.M.P.No.17283 of 2023

Jayasri

... Petitioner

Vs.

R.Theethumalai

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to modify the conditional order of “Petitioner/accused shall deposit to the trial Court a sum of Rs.2,00,000/- on or before 19.10.2023 which was imposed in Crl.M.P.No.3015 of 2023 in S.T.C.No.03/2016 dated 07.10.2023 by the learned Judicial Magistrate, Pappireddipatty.

For Petitioner : Mr.B.Sundarapandiyan

ORDER

The petitioner is the accused in S.T.C.No.03 of 2016 on the file of the Judicial Magistrate, Pappireddipatty.

2. The complaint is in respect of dishonouring of cheque issued for a sum of Rs.5,00,000/- to the complainant. The matter been pending for



almost 7 years for various reasons. Earlier when the petitioner approached this Court to quash the complaint, this Court vide order dated 05.05.2021 directed the trial Court to complete the trial within three months. However, could not be completed due to certain petition filed by the petitioner. After completion of the complainant side witnesses, when the matter was adjourned to 05.10.2023 for examination of defence side witnesses, the accused was not present and sought for adjournment.

3. The trial Court taking note of the inordinate delay in disposing the case and substantially due to the conduct of the accused had permitted the accused to marshal his evidence on condition to deposit Rs.2,00,000/-. Aggrieved by the same, the petitioner herein is before this Court.

4. This Court, after going through the impugned order which has narrated the facts and reasons for imposing condition to deposit Rs.2,00,000/- which being 40% of the cheque amount, does not find any onerous condition or unreasonable. However, on the request of the learned counsel for the petitioner that he will deposit 20% of the cheque amount, condition modified from Rs.2,00,000/- to Rs.1,00,000/- to be paid within a



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period of 15 days from the date of receipt of a copy of this order and to proceed with the trial, failing which, the petitioner will loose his right to marshal his witness. The trial Court may proceed further recording of evidence on the side of the accused.

5. With the above said modification, this Criminal Original Petition is disposed of.

08.11.2023

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

The Judicial Magistrate, Pappireddipatty.



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Dr.G.JAYACHANDRAN, J.

rpl

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