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Crl.O.P.No.24989 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.24989 of 2023

and

Crl.M.P.No.17285 of 2023

Jayasri

... Petitioner

Vs.

C.Arulkumar

... 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.3016 of 2023 in S.T.C.No.4/2016 dated 07.10.2023 by the learned Judicial Magistrate, Pappireddipatty.

For Petitioner : Mr.B.Sundarapandiyan

ORDER

The petitioner herein, being aggrieved by the conditional order imposed by the Court to deposit the cheque amount on or before 19.10.2023 to participate in the trial against him under Section 138 of Negotiable Instruments Act, is before this Court on the ground that the onerous condition imposed by the trial Court has taken away the valuable right of



the petitioner to defend the case initiated against him under Section 138 of N.I.Act, which caused reverse burden of the accused.

2. This Court however on perusing the records finds that a private complaint initiated in the year 2016 for the offence under Section 138 of N.I.Act been dragged for nearly 7 years and substantially due to the conduct of the petitioner herein. After examination of witnesses on the side of the complainant, when the matter was posted for examination of defendant side witnesses, the petitioner was not proceeded, therefore, to proceed further as a pre condition to deposit the cheque amount was ordered by the trial Court.

3. This Court finds no perversity in the order of directing the accused to deposit the cheque amount in view of the inordinate delay in proceeding the trial. But the quantum of Rs.2,00,000/- appears to be on higher side, hence the condition is modified to deposit Rs.40,000/- being the 20% of the cheque amount within a period of 7 days from today. On such deposit, the petitioner shall be permitted to participate in the trial, failing which, the trial Court will proceed further in accordance with law.



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

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Note: Issue order copy on 09.11.2023

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

The Judicial Magistrate, Pappireddipatty.



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Dr.G.JAYACHANDRAN, J.

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