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CrI.R.C.(MD).No.57 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CrI.R.C.(MD).No.57 of 2023
and CrI.M.P.(MD).No.845 of 2023

M.Chitra

... Petitioner

Vs.

PR.Palaneeshwari

... Respondent

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, call for the records relating to the order made in Cr.M.P.No.2965 of 2022 in CC.No.94 of 2020 on the file of the learned Judicial Magistrate cum Fast Track Court, Karaikudi, dated 16.12.2022 and set aside the same in so far as the condition imposing deposit of 10% of the cheque amount.

For Petitioner : Mr.J.Prabhu

For Respondent : Ms.M.Rajeswari

ORDER

This criminal revision case has been filed against the order passed in Cr.M.P.No.2965 of 2022 in CC.No.94 of 2020 on the file of the learned Judicial Magistrate cum Fast Track Court, Karaikudi, dated 16.12.2022.



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2.The learned counsel for the respondent submitted that for the third time the warrant has been issued against the petitioner. The first petition was allowed on condition that he must co-operate for the completion of the trial process and the bailable warrant was recalled on execution of bond for Rs.10,000/-. That was also complied. Later he was appearing through his advocate. On 22.04.2022, again bailable warrant was issued, since there was no representation for the petitioner. Thereafter, he surrendered on 21.07.2022 and the warrant was also recalled on condition that he must co-operate for completion of trial process within a period of three months.

3.In the meantime, the matter was also referred to the Mediation Centre for settlement, but not settled. Later it was posted for cross examination of the complainant. On 02.12.2022, evidence was closed and posted for further process. Since the accused was not present, again the warrant has been issued. Thereafter, he surrendered and he was subjected to questioning under Section 313 Cr.P.C. On 16.12.2022, he filed a petition to recall the above said warrant. Only on that occasion, the above said condition of deposit of 10% of cheque amount has been imposed.

4.Challenging the above said condition, this criminal revision petition



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has been filed on the ground that only Rs.1,00,000/- is involved in the above said transaction and that amount was also paid by him and he is a poor man.

That ground cannot be considered at this stage. It is only the matter of final judgment. Noting the above said conduct of the petitioner only the above said order has been passed.

5.I find absolutely no merit to interfere in the above said discretionary order, since the conduct of the revision petitioner has been taken into account. This criminal revision case deserves to be dismissed. Accordingly, **dismissed**. Consequently, connected miscellaneous petition is closed.

31.01.2023

Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate cum Fast Track Court, Karaikudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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