



Crl.R.C.(MD).No.726 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.726 of 2023
and
Crl.MP(MD)No.10039 of 2023

Jothi @ C.Daniel

... Petitioner/Petitioner/Accused

Vs.

P.Kavitha

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the record and set aside the order passed in Cr.M.P.No. 12660 of 2023 in S.T.C.No.3657 of 2014, dated 26.04.2023 by the learned Judicial Magistrate No.II, Tiruchirappalli “in so far as the is concerned condition No.1, the accused shall execute a bond for the cheque amount and condition No. 2, the accused shall furnish two sureties for cheque amount out of which one surety blood surety, having assets equal to cheque amount. Photo copies of property documents of the surety shall also be furnished before the next hearing date and to allow the revision petition.



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For Petitioner : Mr.B.Jameelarasu

For Respondent : Mr.J.Anand Kumar

ORDER

This Criminal Revision is filed to set aside the order passed by the learned Judicial Magistrate No.II, Tiruchirappalli, in Cr.M.P.No.12660 of 2023 in S.T.C.No.3657 of 2014, dated 26.04.2023 in so far as the conditions are concerned that 'the accused shall execute a bond for the cheque amount' and 'the accused shall furnish two sureties for cheque amount out of which one surety blood surety, having assets equal to cheque amount. Photo copies of property documents of the surety shall also be furnished before the next hearing date'.

2. The petitioner is the accused in S.T.C.No.3657 of 2014 and he filed this petition challenging the conditions imposed upon him in Cr.M.P.No.12660 of 2023 in S.T.C.No.3657 of 2014, dated 26.04.2023.

3.The petitioner after entering in the above STC, did not make any appearance and did not co-operate for the conclusion of trial. So, periodically non-bailable warrant was issued against him. So, the petitioner filed a re-call warrant petition in Cr.M.P.No.12660 of 2023 before the learned Judicial



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Magistrate No.II, Tiruchirappalli. The learned trial Judge passed the impugned order dated 26.04.2023, with above mentioned necessary conditions. Challenging the same, the petitioner filed this Revision.

4.The learned counsel for the petitioner submitted that since the cheque amount is Rs.42 lakhs, the petitioner is not in a position to comply with the conditions imposed by the learned trial Judge that '**the accused shall execute a bond for the cheque amount**' and '**the accused shall furnish two sureties for cheque amount out of which one surety blood surety, having assets equal to cheque amount. Photo copies of property documents of the surety shall also be furnished before the next hearing date**'. According to him, the said conditions imposed by the learned trial Judge are onerous. However, he is ready to deposit a sum of Rs.5,00,000/- to show his *bona fide* and also undertakes to co-operate with the speedy disposal of STC within the time fixed by this Court. Hence, he prays for setting aside the order passed by the learned trial Judge dated 26.04.2023.

5.Considering the STC is of the year 2014 and also considering the undertaking given by the learned counsel for the petitioner that the petitioner is



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ready to deposit a sum of Rs.5,00,000/- before the Court below and also ready to co-operate with the speedy disposal of STC, this Court is inclined to allow this petition with the following direction:-

i) The petitioner is directed to deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs Only)** to the credit of S.T.C.No.3657 of 2014 on the file of the learned Judicial Magistrate No.II, Tiruchirappalli, **within a period of four weeks** from the date of receipt of a copy of this order.

ii) Upon receipt of the same, the learned Judicial Magistrate No.II, Tiruchirappalli, is hereby directed to deposit the said amount in any one of the Nationalised Bank in interest bearing account and also directed to dispose the case in S.T.C.No.3657 of 2014 within a period of **3 months** from the date of receipt of a copy of the deposited amount.

iii) The petitioner is directed to co-operate for completion of trial within the above mentioned time without seeking any adjournment.



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6. Accordingly, the order passed by the learned Judicial Magistrate No.II, Tiruchirappalli, in Cr.M.P.No.12660 of 2023 in S.T.C.No.3657 of 2014, dated 26.04.2023, is hereby, set aside and the Criminal Revision Case is allowed. Consequently, the connected miscellaneous petition is closed.

08.09.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

Note : Issue order copy on 11.09.2023

To

- 1.The Judicial Magistrate No.II,
Tiruchirappalli.
- 2.The Section Officer,
Records Section (Criminal),
Madurai Bench of Madras High Court.



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