



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5202 of 2024

and

Crl.MP.No.3786 of 2024

T.Sivabalan

...Petitioner/Accused

.Vs.

I.Jayakumar

..Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the portion of the orders this court directed the accused that he shall deposit the 20 percent of cheque amount before this Court within 15 days (.i.e) on or before 4.3.2024 passed in STC No.216 of 2022 dated 19.2.2024 on the file of the learned Judicial Magistrate No.I, Tindivanam.

For Petitioner : Mr.P.Suresh Babu

ORDER

This petition has been filed challenging the condition imposed by the Court below directing the petitioner to deposit 20% of the cheque amount for recalling the bailable warrant issued against the petitioner.



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2. Heard the learned counsel for the petitioner and carefully considered the materials available on record.

3. The materials placed before this Court would show that there was a reasonable ground for the petitioner for not being able to appear before the Court below. Therefore, it is not necessary to mulct the petitioner by directing him to deposit 20% of the cheque amount. It is also brought to the notice of this Court that 313 questioning has already been completed. The learned counsel for the petitioner submitted that a petition to recall the witness has been filed and it is pending.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to interfere with the condition imposed by the Court below directing the petitioner to deposit 20% of the cheque amount and the same is hereby set aside. Instead, the petitioner is directed to deposit cost of Rs.5000/- in STC No.216 of 2022 within a period of two weeks from today.

5. The Court below is directed to complete the proceedings in STC No.216 of 2022, within a period of three months from the date of receipt of copy of the order.



6.This criminal original petition is disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

13.03.2024

Index: Yes/No

Speaking Order/Non Speaking Order

kp

Note: Issue order copy on **15.3.2024**

To

Judicial Magistrate No.I,
Tindivanam.



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N.ANAND VENKATESH.,J

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