



WEB COPY



*Crl.O.P.No.13512 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

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**THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN**

**Crl.O.P.No.13512 of 2024**

Vijayalakshmi

.... Petitioner

Versus

A.Raja

.... Respondent

**Prayer:** The Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the docket order dated 03.06.2024 made in memo of sureties in S.T.C.No.208 of 2020 on the file of the learned Judicial Magistrate No.1, Vilupuram and consequently, allow the petitioner to execute the sureties.

For Petitioner : Mr.S.T.Raja

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**ORDER**

Against the concurrent finding of conviction in a complaint initiated under Section 138 of the Negotiable Instruments Act, the petitioner herein has filed the Criminal Revision before this Court.



*Crl.O.P.No.13512 of 2024*

2. This Court, while entertaining the Criminal Revision, has also suspended the sentence pending disposal of the Criminal Revision on certain terms. In paragraph Nos.3 and 5 of the order, there is a reference about the deposit of 20% of the compensation awarded. While so, when the sureties were furnished before the Judicial Magistrate, the Judicial Magistrate has returned the paper stating that there is a reference about the suspension of substantive sentence of imprisonment, but, the petitioner has not explained whether the compensation amount is paid or not, and therefore sought for explanation. Instead of explaining the fact that the 20% of the compensation amount awarded has already been deposited and taken note by the High Court and instead of furnishing the date and the Court in which, 20% of the compensation amount deposited, the petitioner has rushed to this Court with prayer to set aside the docket order and direct the Judicial Magistrate to accept the sureties.

3. This Court, after hearing the counsel and perusing the records, is of the view that the petitioner need not have rushed to this Court before explaining to the Magistrate regarding payment of 20% of the



*Crl.O.P.No.13512 of 2024*

compensation amount the manner in which, it has been paid and where it has been paid. The details have to be furnished by way of explanation. The Judicial Magistrate might have taken the application of furnishing sureties and considered the same as per the direction of the High Court.

4. Since there is a lapse on the part of the petitioner not explaining the manner in which, 20% of the compensation amount is paid, the Magistrate has returned seeking clarification. It is suffice to direct the petitioner herein to furnish the details of payment of 20% of the compensation amount and the deposit been made in the Court account, the Judicial Magistrate shall proceed with processing the surety application and test the surety in terms of the conditions imposed by this Court in Crl.M.P.No.7845 and 7846 of 2024 in Crl.R.C.No.920 of 2024, dated 24.05.2024.



*Crl.O.P.No.13512 of 2024*

**DR.G. JAYACHANDRAN, J.**

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This Criminal Original Petition is disposed of with the above directions.

**11.06.2024**

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To

The Judicial Magistrate No.1,  
Vilupuram.

**Crl.O.P.No.13512 of 2024**