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CrI.O.P.No.20766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

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

CrI.O.P.No.20766 of 2024

Banumathi

... Petitioner

Vs.

Charles Androo

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to modify the condition passed by the learned Judicial Magistrate, Fast Track Court, Hosur, Krishnagiri District in CrI.M.P.No.2646 of 2023 in S.T.C.No.83 of 2022 as Rs.1,00,000/- to the Court deposit instead of to pay the 20% of the cheque amount of Rs.4,00,000/- to the respondent within one month from the date of order dated 24.08.2023.

For Petitioner : Mr.E.Kannadasan

ORDER

The petitioner herein being aggrieved by the order passed by the trial Court to deposit 20% of the compensation amount pending disposal of the complaint under Section 138 of Negotiable Instruments Act, is before this Court seeking modification of the condition.

2. The case against the petitioner is that she has issued a



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cheque for Rs.20 lakhs on 24.01.2021 to discharge the liability. When the cheque was presented for collection, it was returned as “Insufficient of Fund”. Hence after causing notice, complaint been filed and taken cognizance by the Court. Pending trial, application been taken out by the complainant to direct the accused to deposit 20% of the cheque amount as a condition to proceed with the trial. The trial Court vide order dated 24.08.2023 has allowed the application and directed the accused to pay Rs.4 lakhs within a period of one month pending trial.

3. The learned counsel appearing for the petitioner submits that the trial Court has pre-concluded about the liability despite the fact that the accused is contesting the maintainability of the complaint and existence of any enforceable liability.

4. Taking note of the fact that in the petition seeking modification, the petitioner has come forward to deposit Rs.1,00,000/- to prove her bonafide and contest the trial without prejudice to the right of the complainant and the progress of the trial, this Court is of the view that the petitioner shall deposit a sum of Rs.4 lakhs in the STC account and it shall not be disbursed to the complainant till the disposal of the STC.



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Time to deposit the said amount shall be one month from today.

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5. With the above said direction, this Criminal Original Petition is allowed.

28.08.2024

Neutral Citation : Yes/No
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To

The Judicial Magistrate, Fast Track Court, Hosur, Krishnagiri District

Dr.G.JAYACHANDRAN,J.

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