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Crl.O.P.No.780 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.02.2024**

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THE HON'BLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P.No.780 of 2024

and

Crl.M.P.No.958 of 2024

Lalitha Ambigai Traders
Prop L Palani
S/o.Loganthan,
No.1331, Plot No.5, 1st Main Road,
ACS Garden, EB Nagar,
Rathimangalam, Sevoor,
Arni Taluk

... Petitioner

Vs.

Kalaimurasu Kasinathan

...Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code to set aside the order passed in CMP No.3992 of 2023 in STC No.15 of 2021 on the file of Judicial Magistrate, Arni, Tiruvanamalai dated 13.10.2023.

For Petitioner : Mr.Charles Kamalesh M Appaji



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ORDER

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This petition has been filed challenging the order passed by the Court below in CMP No.3993 of 2023 dated 13.10.2023, wherein the Court below had imposed a condition that the petitioner should pay 15% of the cheque amount as a condition precedent for recalling the non-bailable warrant issued against the petitioner.

2. This Court has heard the learned counsel for the Petitioner and perused the materials placed before this Court.

3. It is seen that the complaint was filed in the year 2021. However, it was taken up for hearing only in the year 2022 due to the intervening COVID 19 pandemic. Thereafter, since the petitioner did not appear before the Court even after the issuance of summons, bailable warrant was issued against the petitioner on 26.09.2022. This status was continuing till 13.10.2023 for nearly one year. Thereafter, the petitioner surrendered before the Court below on 13.10.2023 and an advocate entered appearance on behalf of the petitioner. The Court below recalled the



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bailable warrant. While passing this order, the Court below directed the petitioner to deposit 15% of the cheque amount during the next date of hearing failing which, the bailable warrant issued against the petitioner will get automatically revived. Aggrieved by the same, the present Criminal Original petition has been filed before this Court.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner had entered appearance after nearly one year after the bailable warrant was issued against the petitioner, this Court is inclined to modify the order passed by the Court below. There shall be a direction to the petitioner to pay a cost of Rs.5,000/- to the respondent / complainant within a period of one week from the date of receipt of a copy of this order. It is also made clear that the Court below shall take a bond executed by the petitioner under Section 88 of Cr.PC to ensure the presence of the petitioner during the future hearings.

5. This Criminal Original Petition is disposed of in the above



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terms. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

Note : Issue order copy on 02.02.2024

To

1.The Judicial Magistrate, Arni, Tiruvanamalai

2.The Public Prosecutor,
Madras High Court.



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