



Crl.O.P.(MD)No.4078 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.4078 of 2024

and

Crl.M.P.(MD)No.3225 of 2024

R.Backia Latchumi

... Petitioner/Accused

Vs.

1.The Inspector of Police,
Allinagaram Police Station,
Theni District.

2.S.Kannan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the impugned order in Crl.M.P.No.75 of 2024 dated 11.01.2024 on the file of the learned Judicial Magistrate Court, Fast Track, Theni and set aside the same as illegal.

For Petitioner

: Mr.C.Sundaravadivel

For R-1

: Mr.M.Sakthikumar

Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the impugned order in Crl.M.P.No.75 of 2024 dated 11.01.2024 on the file of the learned Judicial Magistrate Court, Fast Track, Theni.



CrI.O.P.(MD)No.4078 of 2024

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2.The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act by the learned Judicial Magistrate, Fast Track Court, Theni in S.T.C.No.23 of 2022 by judgment dated 26.09.2023.

3.The petitioner has engaged a counsel for filing an appeal. The appeal was filed with a delay of 41 days and therefore, the appeal has not been numbered. In the meantime, the learned Judicial Magistrate has issued a Non-Bailable Warrant of arrest as against the petitioner. Against which, the present petition is filed.

4.The learned counsel for the petitioner submits that the delay has occurred due to his counsel and he is also preferred to pay some amount in addition to the cheque amount before the Appellate Court.

5.Considering the submissions made by the learned counsel for the petitioner, this petition is disposed of with a direction to the petitioner to pay 30% of the cheque amount ie., Rs.75,000/- before the learned Principal District Judge, Theni, within a period of one week from the date of receipt of a copy of this order.



Crl.O.P.(MD)No.4078 of 2024

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6. On payment of the cheque amount, the learned Principal District Judge, Theni, is directed to dispose of the Crl.M.P.No.376 of 2024 within a period of two weeks thereon. The petitioner shall workout his remedy before the Appellate Court. The Non-Bailable Warrant issued by the trial Court in Crl.M.P.No.75 of 2024, dated 11.01.2024, is suspended for a period of four weeks, enabling the petitioner to deposit the said amount of Rs.75,000/- before the learned Principal District Judge, Theni and to prosecute his appeal. Consequently, connected miscellaneous petition is closed.

03.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Judicial Magistrate Court, Fast Track, Theni.
2. The Principal District Judge, Theni.
3. The Inspector of Police,
Allinagaram Police Station,
Theni District.

B.PUGALENDHI, J.

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CrI.O.P.(MD)No.4078 of 2024

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.4078 of 2024

03.04.2024