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Crl.O.P.No.1286 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1286 of 2025

C.Srinath
S/o.Chinnasamy, No.72/129, Giri Amman Kovil
Street, Peelmeedu, Coimbatore South, Coimbatore-
641 004.

Petitioner(s)

Vs

M.R.Rajesh Kumar
S/o.M.V.Ramdoss, No.32, Abhirami Land, Park
Road, Padi, Chennai-600 101.

Respondent(s)

This criminal original petition is filed under Section 528 of BNSS to modify the condition imposed in the order passed in Crl.M.P. No.282 of 2025, dated 10.01.2025 passed by the learned Principal Sessions Judge at Chennai that, the petitioner is directed to deposit 20% of the cheque amount before the Trial Court in STC No.5615 of 2022 as mandated under section 143(A) of N.I. Act.

For Petitioner(s) : M/s.Ma.Mathew Berchmans

For Respondent(s) : M/s. P. Harshavardhini



ORDER

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This criminal original petition has been filed to modify the condition imposed in the order passed in Crl.M.P. No.282 of 2025, dated 10.01.2025 passed by the learned Principal Sessions Judge at Chennai that, the petitioner is directed to deposit 20% of the cheque amount before the Trial Court in STC No.5615 of 2022 as mandated under section 143(A) of N.I. Act.

2. Learned counsel appearing for the petitioner submits that the petitioner was arrested on 30.12.2024 on execution of NBW for the offence punishable under Section 138 of N.I. Act in STC No.5615 of 2022 on the file of the Metropolitan Magistrate, FTC-I, Egmore, Chennai. He further submitted that the petitioner has been granted bail for the above said arrest by the learned Principal Sessions Judge at Chennai vide order dated 10.01.2025 in Crl.M.P.No.282 of 2025, with one of the condition imposed on the petitioner that, the petitioner shall deposit 20% of the cheque amount before the Trial Court in STC No.5615 of 2022 as mandated under section 143(A) of N.I. Act. He also submitted that the trial procedure is yet to be commenced, therefore, the order of the learned Principal Sessions Judge at Chennai imposing the petitioner to deposit 20% of the cheque amount cannot be sustained, however, the petitioner is ready and willing to deposit a sum of Rs.5,00,000/- before the Trial Court to the credit of STC No.5615 of 2022 as mandated under section 143(A) of N.I. Act and further, the learned Trial Judge shall hand over the same to the respondent/ complainant, after conducting enquiry. He also submitted that the petitioner is ready to co-operate for the enquiry and speedy disposal of the trial by cross examining the witnesses, at the earliest.



3. Learned counsel for the respondent would vehemently oppose by stating that, the petitioner had issued a cheque for a sum of Rs.85,00,000/- for the amount borrowed by him and when the same was presented before the bank, it was dishonored and returned by the bank with an endorsement "Funds Insufficient". She further submits that the case is of the year 2018 and the petitioner is not co-operating with the trial, therefore, NBW was issued against the petitioner and the same was executed on 30.12.2024. She also submits that the petitioner has previous cases of similar nature.

4. Considering the submissions made on both sides, the reasons stated in the petition and perused the entire materials available on record, this Court is inclined to **modify** the condition in para 6(b) imposed on the petitioner in Crl.M.P. No.282 of 2025, dated 10.01.2025 on the file of the Principal Sessions Judge, Chennai **to the effect that the petitioner shall deposit a sum of Rs.5,00,000/- before the learned Trial Court concerned, to the credit of STC No.5615 of 2022 and the same shall be handed over to the respondent/complainant, after conducting enquiry by the learned Trial Judge concerned.**

5. Accordingly, this criminal original petition is ordered.

22.01.2025

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A.D. JAGADISH CHANDIRA, J.

stn

To

1. M.R.Rajesh Kumar
S/o.M.V.Ramdoss, No.32,
Abhirami Land, Park Road,
Padi, Chennai-600 101.

2. The Principal Sessions Judge,
Chennai.

CRL OP NO. 1286 of 2025

22.01.2025

Note: Issue order copy on 23.01.2025