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Crl.M.P.No.10082 of 2025 in Crl.R.C.No.2193 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.10082 of 2025
in Crl.R.C.No.2193 of 2024

Mr.Jayasanker

... Petitioner

Vs.

Ms.K.Bhavani

... Respondent

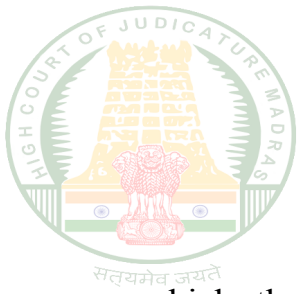
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to modify the condition to deposit an amount of Rs.6,00,000/- imposed on the petitioner in order dated 12.12.2024 passed in Crl.M.P.No.17244/2024 in Crl.R.C.No.2193/2024 to a lesser amount and consequently grant further time to the petitioner to comply with the condition and thus render justice.

For Petitioner : Mr.K.S.Abishek

For Respondent : Mr.Meganathan
Government Advocate (Crl.Side)

ORDER

The petitioner was convicted by the Trial Court in STC.No.1167 of 2021 by the learned Metropolitan Magistrate, Fast Tract Court-I, Allikulam, Chennai for the offence under Section 138 of NI Act on 05.04.2023. Against

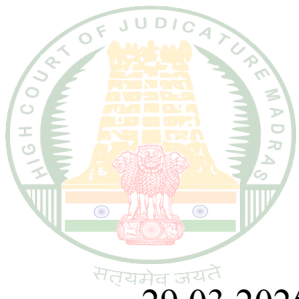


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which, the petitioner preferred an appeal in Crl.A.No.250 of 2023 on the file of XVIII Additional City Civil Court, Chennai and the same was dismissed by confirming the conviction of the petitioner by judgment dated 23.07.2024. Against which, the petitioner preferred a revision before this Court in Crl.R.C.No.2193 of 2024, in which, the petitioner had filed miscellaneous petitions in Crl.M.P.Nos.17242 of 2024 seeking exemption of surrender before the Metropolitan Magistrate, FTC-I, Allikulam, Chennai and Crl.M.P.No. 17244 of 2024 seeking suspension of sentence passed in Crl.A.No.250 of 2023 dated 23.07.2024.

2.This Court, considering the contentions of the learned counsel for the petitioner, permitted the petitioner and granted exemption of surrender on condition to deposit a sum of Rs.6,00,000/- within a period of four weeks from the date of receipt of copy of that order and also directed the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties for a likesum to the satisfaction of the Metropolitan Magistrate, FTC-I, Allikulam, Chennai.

3. It is the contention of the learned counsel for the petitioner that petitioner was unable to mobilise funds and make necessary arrangements within the stipulated time. In the meantime, the petitioner approached the respondent, explained the difficulty and paid a sum of Rs.1,00,000/- to the respondent on



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29.03.2025 and the respondent agreed to receive the balance amount by way of demand draft. However, on the contrary to the undertaking, the petitioner was arrested on the conviction warrant issued by the Trial Court and remanded to custody on 08.05.2025.

4. The petitioner has produced a demand draft dated 09.05.2025 vide bearing DD.No.462190 000016000, drawn on the Central Bank of India, for a sum of Rs.5,00,000/- in favour of the Chief Metropolitan Magistrate, Egmore, Chennai. Hence, the petitioner may be suspended and he may be released on bail.

5. This Court vide order dated 12.12.2024 suspended the sentence passed against the petitioner with condition to deposit a sum of Rs.6,00,000/- within a period of four weeks from the date of receipt of copy of that order. Therefore, the petitioner has filed a petition for modification permitting the petitioner to deposit a sum of Rs.5,00,000/- by way of demand draft before the Trial Court/Chief Metropolitan Magistrate, Egmore, Chennai..

6. Now, the petitioner had complied with the order passed by this Court in Crl.M.P.No. 17244 of 2024 in Crl.R.C.No.2193 of 2024 by depositing a total sum of Rs.6,00,000/- comprising Rs.1,00,000/- paid directly to the respondent and Rs.5,00,000/- deposited by way of demand draft.



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7. In view of the same, this Court directs the petitioner to hand over the said demand draft before the Trial Court.

8. The Superintendent, Central Prison, Puzhal is directed to release the petitioner forthwith if he is not required to be detained in any other case. Upon his release, the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties before the Trial Court. The respondent shall file appropriate petition to withdraw the deposited amount.

9. With the above directions, this Criminal Miscellaneous Petition is modified.

15.05.2025

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Note: Issue order copy on 15.05.2025



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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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M.NIRMAL KUMAR, J.

nr

To

- 1.The Metropolitan Magistrate, Fast Tract Court-I, Allikulam, Chennai
2. The Chief Metropolitan Magistrate, Egmore, Chennai..
3. The Superintendent, Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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15.05.2025.