

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.5841 of 2017

K.Venkatesh

[Petitioner]

Vs

K.Pugalenth

[Respondent]

Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order dated 22.02.2017 made in C.M.P.No.3449 of 2017 in Crl.A.No.38 of 2017 on the file of the Principal Sessions Court, Chennai.

For Petitioner : Mr.D.Lakshmipathy

O R D E R

This Criminal Original Petition has been filed to set aside the order dated 22.02.2017 made in C.M.P.No.3449 of 2017 in Crl.A.No.38 of 2017 on the file of the Principal Sessions Court, Chennai.

2.The petitioner was convicted by the learned Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai for the alleged offence under Section 148 of the Negotiable Instruments Act, and sentenced to undergo six months imprisonment and to pay the cheque amount of Rs.9 lakhs as compensation to the respondent / complainant. Aggrieved by the same, the petitioner filed an appeal before the Principal Sessions Judge, Chennai and the learned Principal Sessions Judge ordered suspension of sentence on condition to deposit a sum of Rs.90,000/- being 10% of the compensation amount, within a period of one month. Challenging the same, the present Criminal Original Petition is filed.

3.The learned counsel for the petitioner submits that the Court below failed to note that the Trial Court did not impose any fine and it had issued a direction to pay the cheque amount as compensation and hence, the Court below ought not to have directed the petitioner to deposit a sum of Rs.90,000/- being

10% of the compensation amount, when the alleged transaction has not been proved beyond any reasonable doubt.

4.Considering the facts and circumstances of the case, this Court is of the view that the order passed by the Lower Appellate Court dated 22.02.2017 directing the petitioner to deposit a sum of Rs.90,000/- being 10% of the compensation amount, within a period of one month, cannot be interfered with. On the other hand, this Court is inclined to grant a further time of two weeks from the date of receipt of a copy of this order, to comply with the said condition imposed by the Lower Appellate Court.

5.The Criminal Original Petition is disposed of accordingly.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

KM

To

- 1.The Principal Sessions Judge, Chennai.
 - 2.The Metropolitan Magistrate, Fast Track Court-III, Saidapet, Chennai.
 - 3.The Public Prosecutor, Madras High Court, Chennai-600 104.
- +1cc to Mr.D. Lakshmipathy, Advocate Sr. 18070

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BR(CO)
VR(06/04/2017)