

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.789 of 2017

1.Abraham
2.Elsi

... Petitioners

Vs

Bakthavathchalam

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition to the effect setting aside the payment of the compensation a sum of Rs.5,00,000/- as ordered and made in Crl.M.P.No.1260 of 2016 in Crl.Appeal No.13 of 2016 dated 20.8.2016 pending on the file of the learned Principal Sessions Judge of Kancheepuram District at Chengalpet.

For Petitioners : Mr.T.R.Ravi

ORDER

The present criminal original petition has been filed to modify the condition imposed on the petitioners in Crl.M.P.No.1260 of 2016 in Crl.Appeal No.13 of 2016 dated 20.8.2016 pending on the file of the learned Principal Sessions Judge of Kancheepuram District at Chengalpet.

2. It is the case of the petitioners that they were convicted for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.401 of 2010 by the learned Judicial Magistrate, Tambaram, and sentenced to undergo six months rigorous imprisonment and to pay a sum of Rs.71,00,000/- towards compensation. Challenging the said conviction and sentence, they have filed an appeal in Crl.A.No.13 of 2016 before the learned Principal Sessions Judge of Kancheepuram District at Chengalpet. Along with the appeal, they have filed an application in Crl.M.P.No.1260 of 2016 seeking suspension of sentence and bail. The learned Principal Sessions Judge of Kancheepuram District at Chengalpet, by order dated 20.8.2016, suspended the sentence till the disposal of the said appeal and granted bail on certain conditions. One of the conditions is that the petitioners should deposit a sum of Rs.5,00,000/- before the trial Court within one month. Since the petitioners are very poor, they are unable to mobilize the said fund. In

view of the same, they are not in a position to come out on bail. Hence, seeking modification of the said condition, the petitioners have come up with the present petition.

3. Considering the facts and circumstances of the case and considering the submission made by the learned counsel appearing for the petitioners, this Court is inclined to modify the said condition.

4. Accordingly, the condition imposed on the petitioners in Crl.M.P.No.1260 of 2016 in Crl.Appeal No.13 of 2016 dated 20.8.2016 by the learned Principal Sessions Judge of Kancheepuram District at Chengalpet, viz., " the petitioners are directed to deposit a sum of Rs.5,00,000/- before the trial Court towards compensation within one month " is hereby modified as follows:-

" The petitioners are directed to deposit a sum of Rs.3,00,000/- (Rupees three lakh only) before the trial Court towards compensation "

Further, the petitioners are granted one month time from today (11.1.2017) to deposit the said amount. The other conditions shall remain unaltered. The criminal original petition is ordered accordingly.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

To

1.The Principal Sessions Judge
of Kancheepuram District
at Chengalpet.

+lcc to M/s.T.R.Ravi, Advocate sr.2799

nri(co)
ss(3/2/2017)

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