

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26077 of 2017

K.S.Sivakumar

..Petitioner

Vs.

M.Senthilkumar

..Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions imposed on the order dated 13.11.2017 made in Crl.M.P. No.413 of 2017 in Crl. M.P. No.186 of 2017 in Crl. Appeal No.126 of 2017 on the file of the Additional Sessions, Magalir Neethi Mandram (Fast Tract Court), Erode.

For Petitioner : Mr.K.S.Karthik Raja
For Respondent : No.Appearance.

O R D E R

The very fact that the accused is given the right of appeal, is to agitate his right by pointing out the infirmities in the trial Court's order. There is no quarrel over the proposition that the Additional Sessions, Magalir Neethi Mandram (Fast Track Court), Erode is empowered to pass sentence of fine. Nevertheless, when an appeal has been filed, it would not be appropriate on the part of the appellate Court to impose onerous condition of depositing the cheque amount as a condition precedent for suspending the sentence.

2.In my view, the petitioner, having availed the appeal remedy, cannot be simultaneously made to deposit the amount as a pre-condition for suspending the sentence imposed by the trial Court. Hence, the order dated 13.11.2017 made in Crl.M.P. No.413 of 2017 in Crl. M.P. No.186 of 2017 in Crl. Appeal No.126 of 2017 insofar as directing the petitioner/accused to deposit a sum of Rs.75,000/-, is set aside and all other observations made in the order dated 13.11.2017 on the file of the the Additional Sessions, Magalir Neethi Mandram (Fast Track Court), Erode, shall remain unaltered.

3.With the above modification, the Criminal Original
Petition stands

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rkp/dpq

To

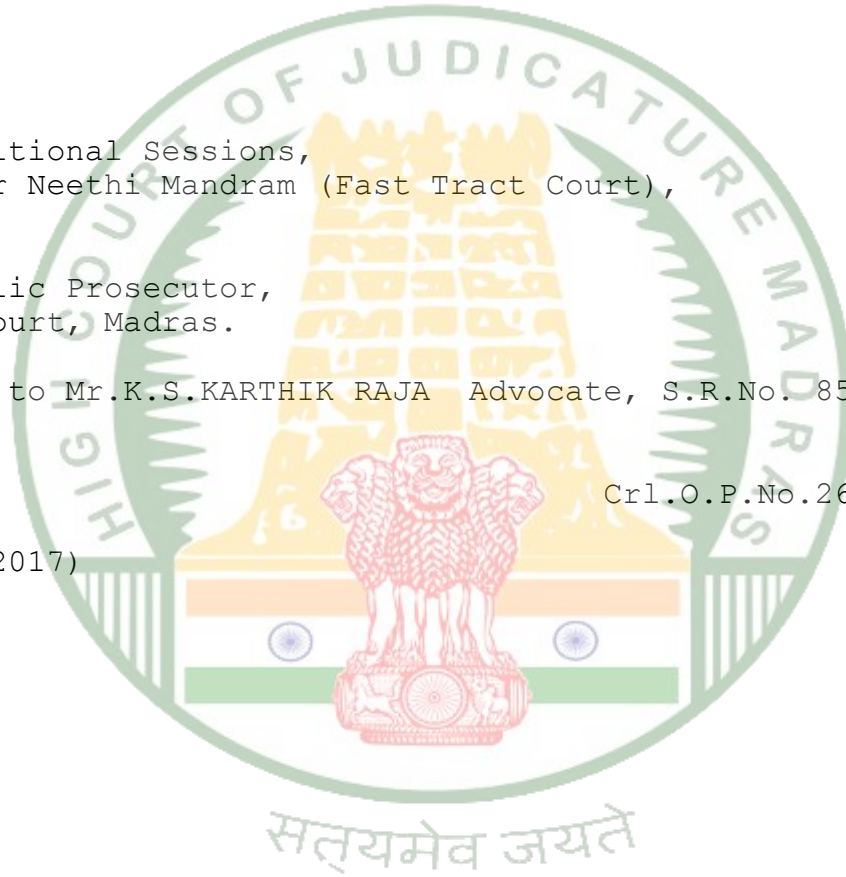
1.The Additional Sessions,
Magalir Neethi Mandram (Fast Tract Court),
Erode.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.S.KARTHIK RAJA Advocate, S.R.No. 85023

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TR(30/11/2017)



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