

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20376 of 2018

Muthusamy

.. Petitioner

Vs

Bharath

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., praying to modify the condition imposed upon the petitioner in Crl.M.P.No.3874 of 2018 in Crl.A.No.48 of 2018 order dated 31.07.2018 on the file of the Court of Sessions, Villupuram Sessions Division, Villupuram that the condition is depositing the sum of Rs.1,50,000/- as cash security out of compensation amount of Rs.3,00,000/-.

For Petitioner : Ms.V.Sasi Rekha

O R D E R

The petitioner was convicted in C.C.No.279 of 2016 on 30.05.2018 by the Judicial Magistrate, Kallakurichi under Section 138 of Negotiable Instruments Act, 1881 and has been sentenced to undergo one year SI and pay a fine of Rs.5,00,000/-, in default to undergo 3 months SI. Challenging the conviction and sentence, the petitioner filed Crl.A.No.48 of 2018 before the Sessions Court, Villupuram and in Crl.M.P.No.3874 of 2018, sought suspension of sentence and bail. The Sessions Court, by order dated 31.07.2018, has suspended the sentence on condition that the petitioner should deposit Rs.1,50,000/- as cash security before the trial Court. Challenging the said order, the petitioner is before this Court.

2.Heard the learned counsel for the petitioner, who submitted that the petitioner is a very poor person and he is only an LIC agent and does not have the means.

3.On a reading of the trial Court judgment in C.C.No.279 of 2016, the Magistrate has imposed a fine of Rs.5,00,000/-. But, however, the Sessions Court order states that a sum of Rs.3,00,000/- has been imposed as fine. Be that as it may,

accepting the submission of the learned counsel for the petitioner, a sum of Rs.1,50,000/- is reduced to Rs.1,25,000/-. The said sum of Rs.1,25,000/- shall be deposited before the trial Court within one week from the date of receipt of a copy of this order. If the petitioner fails to deposit the amount, the suspension of sentence will stand automatically cancelled and the petitioner can be remanded to custody. Rest of the conditions imposed by the Sessions Court shall remain the same.

With the above modification, this petition is ordered accordingly.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Principal sessions Judge,  
Sessions Court,  
Villupuram.

2.Judicial Magistrate Fast Track Court,  
Kallakurichi.

+1cc to Mr.V.Sasirekha, Advocate, S.R.No.56984

CRL.OP.No.20376 of 2018

SVN(CO)  
GSP(04/09/2018)

सत्यमेव जयते

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