

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2018

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22826 of 2018

M.Devi

...Petitioner

-Vs-

E.M.Sarathy

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to modify the condition of depositing of Rs.6,48,140/- as 20% of the cheque amount in the order of suspension of sentence passed by the learned Principal District and Sessions Judge, Thiruvallur in Crl.M.P.No.4145 of 2018 in C.A.No.128 of 2018 dated on 20.08.2018.

For Petitioner : Mr.S.Ponnivalavan

ORDER

This criminal original petition has been filed seeking to modify the condition imposed by the Court below, while considering the petition filed by the petitioner for suspension of sentence.

2. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act by the Judicial Magistrate, Thiruvottriyur in STC.No.299 of 2016, by order, dated 20.03.2018. The learned Judicial Magistrate imposed a sentence of six months rigorous imprisonment and further directed the petitioner to pay a compensation of the total cheque amount. The total cheque amount works out to a sum of Rs.32,40,700/-. The petitioner filed an appeal before the Principal District and Sessions Court, Thiruvallur, and along with the appeal, the petitioner filed a petition seeking for suspension of sentence.

3. The learned Principal District and Sessions Judge, while considering the suspension of sentence petition, allowed the petition on condition that the petitioner deposits 20% of the cheque amount before the trial Court. Aggrieved by the same the present petition has been filed seeking for modification.

4. The learned counsel for the petitioner would submit that the petitioner is a lady and she is not in a position to muster

so much of amount. The learned counsel for the petitioner would further submit that the petitioner has a fair chance of success in the appeal. Therefore, the learned counsel requested this Court to consider reducing the amount to be deposited as a condition of suspension of sentence.

5. Considering the facts and circumstances of the case, this Court is inclined to modify the order passed by the Court below. The petitioner is directed to deposit 10% of the total cheque amount before the trial Court. Instead of 20% imposed by the Court below. The other conditions imposed by the Court below shall stand as it is.

6. This Criminal Original Petition is disposed of to the extent indicated above.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rna

To

1.The Principal District and Sessions Judge,
Thiruvallur.

2.The Judicial Magistrate,
Thiruvottriyur.

+1cc to Mr.S.Ponnivalavan, Advocate sr.no.83382

Cr1.O.P.No.22826 of 2018

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