

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28084 of 2018

P.Rukmani

...Petitioner

Versus

P.N.Venkatesan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition that the petitioner shall direct to deposit a sum of Rs.42,250/- before the trial Court towards compensation amount within one month order passed in C.M.P.No.4684 of 2018 in Crl. Appeal No.51 of 2018 by the learned Principal Sessions Judge, Kancheepuram at Chengalpattu dated 30.10.2018.

For Petitioner : Mr.A.M.Ravindranath

O R D E R

This petition has been filed seeking to modify the condition imposed by the Court below while suspending the sentence imposed against the petitioner for an offence under Section 138 of the Negotiable Instruments Act.

2. It is seen from the records that the cheque amount in this case is Rs.1,81,000/-. The trial Court has convicted the petitioner and has imposed a sentence of simple imprisonment for a period of one year and to pay the cheque amount towards compensation and in default to under go simple imprisonment for a period of 30 days.

3. The learned Appellate Court, at the time of considering the petition for suspension of sentence, had imposed a condition that the petitioner should deposit a sum of Rs.45,250/- before the Court below towards compensation within a period of one month.

4. Aggrieved by the same, the present petition has been filed.

5. This Court does not find any infirmity or illegality in the order passed by the Court below. The Court below had considered the total cheque amount and had imposed a reasonable condition to the petitioner to deposit a sum of Rs.45,250/- towards compensation.

6. This is a discretion exercised by the Court below and this

Court cannot interfere with the same unless this Court finds an apparent perversity in the order.

7. In the result, this Criminal Original Petition is dismissed and the order of the Court below is confirmed. However, in the facts and circumstances of the case, this Court grants further period of four weeks from the date of receipt of a copy of this order to comply with the order passed by the Court below.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

rli/kal

To

1. The Principal Sessions Judge,
Kancheepuram
Chengalpattu.

+1cc to Mr.T.Balachandran, Advocate SR.No.83000

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GMV (14/12/2018)

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