

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28523 of 2018

C.Madhankumar

... Petitioner

Vs.

Venkatachalapathy

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to modify the condition imposed upon the petitioner in Crl.M.P. No.7036 of 2018 in Crl.A. No.78 of 2018 order dated 22.11.2018 on the file of the Sessions, Villupuram Sessions Division, Villupuram that the condition is depositing the sum of Rs.17,62,730/- as cash security out of compensation amount of Rs.4,40,683/-.

For Petitioner : Mr.V.Sasi Rekha

For Respondent : No appearance

ORDER

This petition has been filed seeking to modify the condition imposed by the Court below, by entertaining the petition for suspension of sentence.

2.The petitioner was convicted for an offence under Section 138 of Negotiable Instruments Act. The Trial Court imposed sentence of one year simple imprisonment and fine of Rs.17,62,730/-, being a cheque amount and in default three months simple imprisonment. The petitioner filed an appeal before the Sessions Court, Villupuram. In the said appeal, the petitioner filed a petition seeking for suspension of sentence. The Appellate Court while considering the said petition, suspended the sentence by imposing certain conditions. The petitioner is aggrieved by the condition wherein the Appellate Court had directed the petitioner to deposit 25% of the compensation amount as cash security before the Trial Court.

3.The learned counsel for the petitioner would submit that the condition imposed by the Court below is onerous and the petitioner is not in a position to comply with the same, since he does not have sufficient financial wherewithal to deposit the

amount. The learned counsel for the petitioner would further submit that the petitioner has fair chances of success in the Criminal Appeal and therefore, this Court may consider reducing the amount to be deposited by the petitioner.

4.In the facts and circumstances of this case, the condition imposed by the Court below is modified to the extent that the petitioner is directed to deposit 20% of the fine amount that has been imposed by the Trial Court, as cash security within a period of the three weeks from the date of receipt of a copy of this order.

5.This Criminal Original Petition is allowed to the extent indicated above and it is made clear that the other conditions imposed by the Court below shall stand as it is.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ia/vsg1

To

1.The Sessions Judge,
Villupuram Sessions Division,
Villupuram.

+1cc to Mr.V.Sasi Rokha, Advocate, S.R.No.84302

CrI.O.P.No.28523 of 2018

GSP(18/12/2018)

सत्यमेव जयते

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