

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1690 of 2019
and Crl.MP.No.1064 of 2019

P.P.Subramani

... Petitioner

Vs.

P.Mohanraj

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set-aside the order dated 20.11.2018 passed in Crl.M.P.6066 of 2018 in C.A.No.192 of 2018 on the file of Principal District and Sessions Judge at Tiruvallur.

For Petitioner : Mr.K.Myilsamy

O R D E R

This petition has been filed challenging the order passed by the Court below imposing a condition of deposit of 20% of the cheque amount, 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 (Amendment) Act and was sentenced to undergo Simple Imprisonment for two years and to pay a compensation of Rs.12,00,00/- to the complainant. The petitioner has filed an appeal before the Principal District and Sessions Court at Tiruvallur and also sought for suspension of sentence. The Court below had allowed the petition for suspension of sentence by imposing a condition that the petitioner should deposit 20% of the cheque amount.

3. The Court below has imposed the condition in view of the new amendment to the Negotiable Instruments Act.

4. The learned counsel for the petitioner submitted that the petitioner has a fair chance of success in the appeal and the petitioner is not in a position to muster so much of amount and deposit before the Court. The learned counsel submitted that the

financial condition of the petitioner may be taken into consideration and the condition impose may be modified.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Court below. The petitioner is directed to deposit a sum of Rs.1.5 Lakhs before the Court below within a period of four weeks from the date of receipt of a copy of this order. The other conditions imposed by the Court below shall stand as it is.

6. Accordingly, this Criminal Original Petition is allowed. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

The Principal District and Sessions Judge,
Tiruvallur.

+1 cc to Mr.K.Myilsamy, Advocate SR.No.5612

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CSL/04.02.2019

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