

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4122 of 2019

Sivakumar

...Petitioner

Vs.

V.Mohan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records in Crl.M.P.No.4840 of 2018 from the Principal Sessions Judge, Tiruvallur against the Judgment passed in S.T.C.No.297 of 2016 on the file of Fast Track Court, Magisterial Level No.II, Poonamallee, Thiruvallur District 02.08.2018 and modify in so far as the condition imposed is concerned.

For Petitioner : M/s.N.P.Nagalakshmi

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed in the order dated 20.09.2018 passed in Crl.M.P.No.4840 of 2018, on the file of the Principal District and Sessions Judge, Tiruvallur, while suspending the sentence imposed on the petitioner.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. It is seen that the Trial Court found the petitioner guilty for an offence under Section 138 of Negotiable Instrument Act and convicted and sentenced him to undergo simple imprisonment for 12 months and also directed to pay the compensation of Rs.1,00,000/- to the complainant within four months.

4. As against the conviction and sentence imposed by the Trial Court the petitioner preferred an appeal. When the appeal came up for admission, the lower Appellate Court admitted the appeal and in the petition filed to suspend the sentence imposed on the petitioner, the Court below passed an order directing the petitioner to deposit 20% of cheque amount, within a period of

two months and in default the petitioner to suspend the sentence shall stand automatically dismissed.

5. Challenging the condition imposed to the petitioner before this Court in this petition. On perusal of the materials placed before this Court, this Court is of the opinion that the condition imposed by the lower Appellate Court cannot be considered said to be onerous. There are absolutely no grounds to interfere with the order passed by the Court below.

5. In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

lpp/mpa

To

- 1.The Principal Sessions Judge,
Tiruvallur District.
- 2.The Judicial Magistrate,
Fast Track Court (Magisterial Level - II),
Poonamallee,
Tiruvallur District.

Crl.O.P.No.4122 of 2019

PM(CO)
GMY(15/03/2019)

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