

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos. 8434 & 8435 of 2019

Firoz A. Nadiawala

..Petitioner /Appellant/Accused
both Crl.Ops

Vs.

Nirmal Kumar Maheswari

..Respondent /Respondent/Complainant
both Crl.OPs

Prayer in Crl.OP. No.8434 of 2019 : Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the learned Principal Sessions Judge by an order dated 20.02.2019 in Crl.MP. No. 3339 of 2019 in C.A. No. 57 of 2019 against C.C. No. 617 of 2016 on the file of the learned Metropolitan Magistrate Court, FTC-III Saidapet, Chennai directing payment of 20% compensation amount to the credit of the above mentioned C.C. No. 617 of 2016, on the file of learned Metropolitan Magistrate Court, FTC III, Saidapet at Chennai.

Prayer in Crl.OP. No.8435 of 2019 : Criminal Original Petition filed under Section 482 Cr.P.C. to extend the time for furnishing sureties as directed by the learned Principal Sessions Judge by order dated 20.02.2019 in Crl.MP. No. 3339 of 2019 in C.A. No. 57 of 2019 against C.C. No. 617 of 2016 on the file of the learned Metropolitan Magistrate Court, FTC-III Saidapet, Chennai.

For Petitioner

(in both Crl.OPs) : Mr. A.Raghunathan, Senior Counsel
for M/s. M. Rajavelu

COMMON ORDER

The petitioner, who has been arrayed as accused in C.C. No. 617 of 2016 on the file of the learned Metropolitan Magistrate (FTC-III), Saidapet, Chennai has been convicted under Section 138 of N.I. Act by an order dated 25.01.2019 and sentenced to undergo six months simple imprisonment and to pay double the cheque amount to the complainant as compensation.

2. Aggrieved by the said order, the petitioner has filed an appeal in C.A. No. 57 of 2019 on the file of learned Principal Sessions Judge, City Civil Court, Chennai. In the said appeal, the petitioner has filed a petition in Crl.MP. No. 3339 of 2019 seeking suspension of sentence. The learned Principal Sessions Judge, City Civil Court, Chennai has granted suspension of sentence by an order dated 20.02.2019 on conditions that the petitioner shall execute a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate, FTC-III, Saidapet, Chennai within two weeks and shall deposit 20% of the compensation amount to the credit of C.C. number on the file of the Trial Court within 60 days from the date of that order. As against the said order, the present petitions have been filed.

3. Heard Mr.A.Raghunathan, learned senior counsel for M/s. M.Rajavelu appearing for the petitioner.

4. Considering the facts of the case, this Court is of the view that the conditions imposed by the trial Court require consideration.

5. Accordingly, the conditions imposed on the petitioner in the order dated 20.02.2019 made in Crl.M.P.No.3339 of 2019 in C.A. No. 57 of 2019 by the learned Principal Sessions Judge, City Civil Court, Chennai shall stand modified as follows:

" The petitioner shall execute a bond for Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned Metropolitan Magistrate (FTC-III), Saidapet, Chennai and shall deposit 20% of the cheque amount instead of 20% of the compensation amount on or before 22.05.2019."

All the other conditions imposed in the order dated 20.02.2019 made in Crl.M.P.No.3339 of 2019 in C.A. No. 57 of 2019 shall remain intact.

With the above modification, both the Criminal Original Petitions stand disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

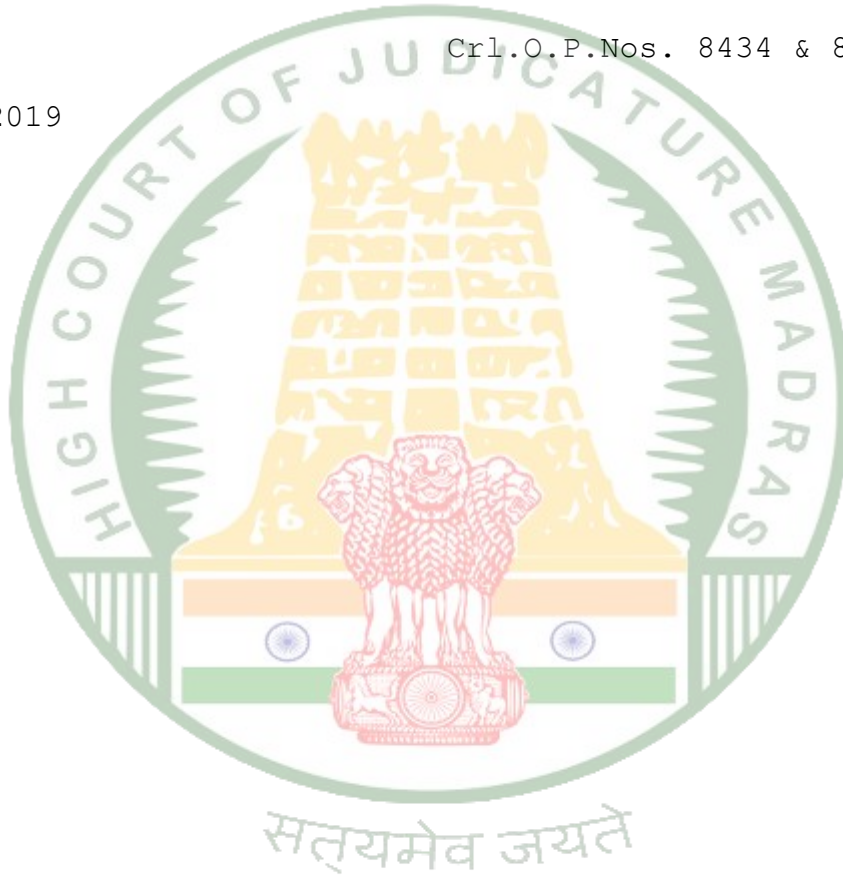
1.The Principal Sessions Judge,
City Civil Court, Chennai

2.Metropolitan Magistrate Court,
FTC-III,
Saidapet,
Chennai.

+2cc to M/s. M. Rajavelu, Advocate sr.no.36111 & 36112

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