

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9402 of 2019
and Crl.M.P.No.4948 of 2019

K.Manohar ... Petitioner/ Petitioner
Vs

S.A.Balu ... Respondent/ Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed in C.M.P.No.1502 of 2019 in Crl.M.P.No.1329 of 2019 in Crl.A.No.19 of 2019 on the file of the Principal Sessions Judge, Chengalpattu, consequently extent the further time for compliance of conditions stated in Crl.M.P.No.1329 of 2019 in Crl.A.No.19 of 2019.

For Petitioner : Mr.B.Manimaran

O R D E R

This Criminal Original Petition has been filed to set aside the order passed in C.M.P.No.1502 of 2019 in Crl.M.P.No.1329 of 2019 in Crl.A.No.19 of 2019 on the file of the Principal Sessions Judge, Chengalpattu, consequently extent the further time for compliance of conditions stated in Crl.M.P.No.1329 of 2019 in Crl.A.No.19 of 2019.

2.Heard the learned counsel for the petitioner.

3.The petitioner submits that the respondent has filed a complaint under Section 138 of Negotiable Instruments Act in C.C.No.553 of 2010 vide Judgment dated 07.02.2019 the learned Judicial Magistrate, Tambaram found guilty and sentenced the petitioner to undergo 6 months simple imprisonment along with compensation of Rs.1,10,000/- under Section 357 of Cr.P.C. Assailing the Judgment, the petitioner has filed Criminal Appeal in Crl.A.No.19 of 2019 before the Hon'ble Principal Sessions Judge, Chengalpattu. While hearing the petitioner to suspend the sentence, the Hon'ble Principal Sessions Judge, Chengalpattu passed a conditional order dated 15.03.2019 in Crl.M.P.No.1329 of 2019 whereby directing the petitioner to deposit a sum of Rs.30,000/- before the trial Court within 10 days and the petitioner is ordered to be released on bail on executing

the bond for Rs.10,000/- with 2 sureties each for like sum to the satisfaction of Judicial Magistrate, Tambaram. Since the petitioner is a coolie and have been leading the life of penury he was unable to comply with the said direction.

4.Considering the above facts and circumstances, this Court is not inclined to set aside the condition imposed by the first Appellate Court in C.M.P.No.1502 of 2019 in Crl.M.P.No.1329 of 2019 in Crl.A.No.19 of 2019 thereby imposing the condition while suspending the sentence passed by the Trial Court. However, the time extended for comply the same till 22.04.2019 from today.

5.With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

rna
To

The Principal Sessions Judge,
Chengalpattu.

2.The Judicial Magistrate, Tambaram

+1cc to Mr.B.Manimaran , Advocate SR.No. 3419

Crl.O.P.No.9402 of 2019
and Crl.M.P.No.4948 of 2019

A.SK(08/04/2019)

सत्यमेव जयते

WEB COPY