

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.11862 of 2019
and Crl.M.P.No.6136 of 2019

Mrs.T.Nirmala Devi

... Petitioner/Appellant

Vs.

Mrs.T.Sumathi

... Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, against the order passed by the learned Principal Sessions Judge of Kancheepuram District at Chengalpattu in Crl.M.P.No.1927 of 2019 in C.A.No.44 of 2019 dated 12.04.2019.

For Petitioner : Mr.V.V.Sairam

O R D E R

This petition has been filed challenging the condition imposed by the Court below while suspending the sentence imposed by the Trial Court for an offence under Section 138 of Negotiable Instrument Act.

2. The Court below has imposed a condition that the petitioner should deposit a sum of Rs.50,000/- (Rupees fifty thousand only) out of the total compensation of Rs.2,00,000/- (Rupees two lakhs only) before the Trial Court, within a period of one month.

3. The learned counsel for the petitioner submitted that the petitioner is a house wife and that the Court below ought not to have imposed such a onerous condition.

4. Taking into consideration the facts and circumstances of the case, this Court does not find any illegality or infirmity in the condition imposed by the Court below and the latest amendment to Section 148 clearly entitles the Court below to impose such a condition. Therefore, this Court is not inclined to interfere with the condition imposed by the Court below.

5. This Criminal Original Petition is disposed of with a direction to the petitioner to deposit a sum of Rs.50,000/- (Rupees fifty thousand only) within a period of two 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. It is made clear that if the petitioner fails to comply with the condition, the order of suspension of sentence shall be terminated and the Trial Court can proceed to issue a non-bailable warrant and secure the petitioner in order to serve the sentence. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To,
1. The Principal Sessions Judge,
Kancheepuram District,
Chengalpattu.

+1cc to Mr.V.Kannan, Advocate sr.44829

Crl.O.P.No.11862 of 2019

gj(co)
nr 01/07/2019

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