

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.12788 of 2019

Ramkumar

... Petitioner/Appellant

Vs.

P.Ravi

...Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.PC to modify the condition imposed in Crl.M.P.No.130 of 2019 in Criminal Appeal No.2 of 2019 order dated on 08.01.2019 on the file of Principal Sessions Judge, Thiruvallur "the petitioner should deposit 20% of the compensation amount".

For Petitioner : Mr.B.Mohanraj

ORDER

This criminal original petition has been filed challenging the condition imposed by the Court below while granting suspension of sentence to the petitioner.

2. The petitioner faced trial for the offences under Section 138 of the Negotiable Instruments Act. The trial court convicted the petitioner and sentenced the petitioner to undergo simple imprisonment for two years and to pay a compensation of Rs.4,00,000/- within two months. Aggrieved by the same, the petitioner filed an appeal before the Sessions Court and also filed a petition for suspension of sentence.

3. The Appellate Court while considering the petition for suspension of sentence directed the petitioner to deposit 20% of the compensation amount ordered by the trial Court within a month. Aggrieved by this condition the present petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the condition imposed by the Court below is onerous and the petitioner does not have the financial wherewithal to deposit the amount.

5. This Court has carefully considered the order passed by the Court below and the submissions made by the learned counsel appearing on behalf of the petitioner. This Court does not find any illegality or infirmity in the condition imposed by the Court below. By virtue of the latest amendment to the 138 of Negotiable Instruments Act, the condition imposed by the Court below is well within the purview of law. The petitioner has to necessarily deposit the said amount.

6. In view of the above, this Court is not inclined to interfere with the condition imposed by the Appellate Court and the petitioner is granted four weeks time from today to deposit the 20% of the compensation amount ordered by the Appellate Court. In the event of default in depositing the amount within the stipulated period, the suspension of sentence shall stand automatically cancelled.

7. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Thiruvallur

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.B.Mohanraj, Advocate sr.no.43593

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