

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.16461 of 2019

S.Gopi

.. Petitioner

.Vs.

S.Babu

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition passed by the Sessions Court at Chennai in Crl.M.P.No.9507 of 2019 in C.A.No.199 of 2019 directing the petitioner shall deposit 20% of the compensation amount to the credit of above CC number on the file of the trial Court within sixty days from the date of receipt of the order.

For Petitioner : Mr.Naresh Kumar N.N.

ORDER

This Criminal Original Petition has been filed seeking for modification of the condition imposed by the Appellate Court while allowing the suspension of sentence petition filed by the petitioner.

2. The petitioner was convicted for an offence u/s 138 of the Negotiable Instruments Act, and he was sentenced to undergo 10 months simple imprisonment and was directed to pay a compensation of Rs.8 lakhs with interest within one month and in default to undergo two months simple imprisonment.

3. The petitioner had filed an appeal in C.A.No.199 of 2019, before the VII th Additional Sessions Judge, Chennai. Along with the appeal, a petition for suspension of sentence was filed in Crl.M.P.No.9507 of 2019.

4. The Court below while considering the petition had directed the petitioner to deposit 20% of the compensation amount within a period of 60 days from the date of the order. It is this condition that has been put to challenge in this criminal original petition.

5. Heard the learned counsel for the petitioner.

6. This Court does not find any illegality or infirmity in the condition imposed by the Court below and the Court below has exercised its jurisdiction under the amended provision under Section 148 of the Negotiable Instruments Act. There is no ground to interfere with the said condition. The petitioner has to comply with this condition in order to sustain the suspension of sentence granted by the Appellate Court.

In the result, this Criminal Original Petition is dismissed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

KP

To

1. Metropolitan Magistrate, FTC-IV, George Town,
Chennai.

2.II Additional Sessions Judge/Vacation Sessions Judge,
Sessions Court,
Chennai.

+1 CC to Mr.J. Naresh Kumar, Advocate sr 52712.

Cr1.O.P.No.16461 of 2019

PPA (CO)
SP (18/07/2019)

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