

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18975 of 2019

Susila Yuvaraj

.. Petitioner/Petitioner/
Petitioner/Appellant/Accused

Vs.

D.Kumaresan

.. Respondent/Respondent/Respondent/
Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the order passed on 10.06.2019 by the Principal District Sessions Judge, Chennai, in Crl.M.P.No.10247 of 2019 in Crl.M.P.No.7867 of 2019 in Crl.M.P.No.3341 of 2019 in C.A.No.59 of 2019 against the C.C.No.1523 of 2016, and set aside the same and allow this petition.

For Petitioner : M/s.R.Radha Pandian

ORDER

This petition has been filed to call for the records relating to the order passed on 10.06.2019 by the Principal District Sessions Judge, Chennai in Crl.M.P.No.10247 of 2019 in Crl.M.P.No.7867 of 2019 in Crl.M.P.No.3341 of 2019 in C.A.No.59 of 2019 against the C.C.No.1523 of 2016, and set aside the same.

2. The petitioner faced trial before the learned Metropolitan Magistrate, Fast Track Court-IV, George Town, Chennai, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 22.01.2019 convicted the petitioner and sentenced him to undergo ten months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.3,00,000/- as compensation within one month, in default to undergo two months simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal District and Sessions Judge, Chennai. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an

order dated 20.02.2019 suspended the sentence by imposing certain conditions. One of the conditions imposed by the appellate Court was that the petitioner should deposit 20% of the compensation amount ordered by the trial Court within a period of two months.

4.The learned counsel for the petitioner submitted that, the petitioner was not able to arrange for making this deposit due to financial constrains and filed a petition seeking for extension of time before the learned Principal District and Sessions Judge, Chennai and the same was dismissed by the learned Principal District and Sessions Judge, Chennai on 10.06.2019. Therefore the present petition has been filed to set aside the order dated 10.06.2019 passed by the learned Principal District and Sessions Judge, Chennai in Crl.M.P.No.10247 of 2019 in Crl.M.P.No.7867 of 2019 in Crl.M.P.No.3341 of 2019 in C.A.No.59 of 2019 against the C.C.No.1523 of 2016. The learned counsel further submitted that the petitioner will deposit this amount within a period of one week from today.

5. In the result, the order passed by the appellate Court in Crl.M.P.No.10247 of 2019 in Crl.M.P.No.7867 of 2019 in Crl.M.P.No.3341 of 2019 in C.A.No.59 of 2019 against the C.C.No.1523 of 2016 dated 10.06.2019 is hereby set aside and the petitioner is directed to deposit 20% of the compensation amount ordered by the trial Court within a period of one week from today. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court.

6. With the above directions, this Criminal Original Petition stands allowed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Principal District and Sessions Judge,
Chennai

2.The Metropolitan Magistrate,
Fast Tract Court IV,
George Town, Chennai.

3.-do- Thro' Chief Metropolitan Magistrate,
Chennai.

+1cc to Mr.R.Radhapuram, Advocate, S.R.No.61403

Crl.O.P.No.18975 of 2019

GP(CO)

RRS (18/07/2019)



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