

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM :
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18811 of 2019

S.Srinivasan

.. Petitioner/Appellant

Vs.

G.M.Radhakrishnan

.. Respondent/Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to set aside the order dated 06.07.2019 passed by the Principal Sessions Judge in Crl.M.P.No.12572 in Crl.M.P.No.5718 of 2019 in C.A.No.108 of 2019 and consequently permit the petitioner to deposit the 20% of interim compensation amount to the credit of C.C.No.1780 of 2015 on the file of the learned Metropolitan Magistrate FTC-IV, George Town, Chennai.

For Petitioner : Mr.V.Ramamurthy

ORDER

This petition has been filed to set aside the order dated 06.07.2019 passed by the Principal Sessions Judge in Crl.M.P.No.12572 in Crl.M.P.No.5718 of 2019 in C.A.No.108 of 2019 and consequently permit the petitioner to deposit the 20% of interim compensation amount to the credit of C.C.No.1780 of 2015 on the file of the learned Metropolitan Magistrate FTC-IV, George Town, Chennai.

2. The petitioner faced trial before the learned Fast Track Court-IV, Metropolitan Magistrate, George Town, Chennai, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court convicted the petitioner for the said offence.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal Sessions Judge, Chennai. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 21.03.2019 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 i.e., Rs.1,60,000/- as compensation, 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 Sessions Judge, Chennai and the same was dismissed by the learned Principal Sessions Judge, Chennai on 06.07.2019. Therefore the present petition has been filed to set aside the order dated 06.07.2019 passed by the learned Principal Sessions Judge in Crl.M.P.No.12572 in Crl.M.P.No.5718 of 2019 in C.A.No.108 of 2019. 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.12572 in Crl.M.P.No.5718 of 2019 in C.A.No.108 of 2019 dated 06.07.2019 is 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.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Principal Sessions Judge,
Chennai

2.The Metropolitan Magistrate FTC-IV,
George Town, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Ramamurthy, Advocate, S.R.No.60478

Crl.O.P.No.18811 of 2019

JP (CO)
RRS (18/07/2019)