



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.19122 of 2019

P.Selvaraj

.. Petitioner / Accused

Vs.

Ramalingam

.. Complainant / Respondent

Common Prayer: Criminal Original Petition has been filed to modify the condition No.C imposed by learned Additional District Judge, Namakkal in CMP No.639 of 2019 in C.A.No.11 of 2019 dated 11.04.2019.

For Petitioner

: Mr. Johnson C.D

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed by the Appellate Court while suspending the sentence imposed against the petitioner for an offence under Section 138 of Negotiable Instrument Act.

2. The petitioner was convicted for an offence under Section 138 of Negotiable instrument Act and he filed an appeal in Criminal Appeal No.11 of 2019 before the learned Additional District Judge, Namakkal. Along with the appeal, the petitioner has also filed a petition seeking for suspension of sentence. The Court below on appreciation of the entire facts, suspended the sentence by imposing certain conditions. The petitioner is aggrieved by the 3rd condition imposed by the Court below, wherein, the petitioner has been asked to appear before the Court for each and every hearing.

3. The learned counsel for the petitioner submitted that the petitioner will be represented by a counsel before the Appellate Court and he shall be present before the Appellate Court as and when required by the Court and it is very difficult for the petitioner to appear during every hearing date, since he is a business man and he has to travel to various places.



4. Taking into consideration the facts and circumstances of the case, the 3rd condition imposed by the Court below is modified to the effect that the petitioner shall be present before the Appellate Court, as and when required, during important dates of hearing. On all the other dates, the petitioner shall be represented by a counsel.

5. This Criminal Original petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Additional District Judge, Namakkal
2. -do-Through'The Principal District Judge, Namakkal
3. The Public Prosecutor,
High Court, Madras

+1cc to Mr. C.D Johnson, Advocate SR.No.61661

Cr1.O.P.No.19122 of 2019

RV(CO)
GMY(26/08/2019)