

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20338 of 2019

T.M.Krishnakumar

... Petitioner

Vs.

Kaliappan

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to praying to set aside the order dated 02.07.2019 passed by the learned Principal District and Sessions Judge, Coimbatore in Crl.M.P No.2156 of 2019 in C.A No.204 of 2019 in respect of the condition that the petitioner shall deposit a sum of Rs.7,20,000/- towards the part of compensation amount before the Lower Court.

For Petitioner : Mr.L.Mouli

ORDER

This petition has been filed challenging the condition imposed by the Court below directing the petitioner to deposit a sum of Rs.7,20,000/- towards interim compensation, while suspending the sentence imposed against the petitioner by the trial Court for an offence under Section 138 of the Negotiable Instruments Act.

2. The petitioner faced trial before the Judicial Magistrate, Fast Track No.II, Coimbatore for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 04.06.2019 convicted the petitioner and sentenced him to undergo 6 months simple imprisonment and directed the petitioner to pay compensation amount of a sum of Rs.36,00,000/- with 6% interest from the date of cheque within one month, in default to undergo 3 months simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal District and Sessions Judge, Coimbatore. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 02.07.2019 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. The petitioner was given one month time to make this deposit.

4. The learned counsel for the petitioner submitted that the appellate Court ought not to have imposed such a condition and the said condition is onerous and it virtually takes away the statutory right of appeal provided to the petitioner. The learned counsel further submitted that the condition imposed by the Court below requires interference.

5. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

6. This Court does not find any illegality or infirmity in the condition imposed by the Court below. The Court below has taken into consideration the judgement passed by the trial Court and in exercise of its powers under Section 148 of Negotiable Instruments Act, has imposed a condition directing the petitioner to deposit an interim compensation amount of a sum of Rs.7,20,000/-, which is 20% of the cheque amount. There are no grounds to interfere with the condition imposed by the Court below. However, this Court is inclined to give some more time to the petitioner to deposit the interim compensation amount ordered by the appellate Court.

7. In the result, this Criminal Original Petition is dismissed and the condition imposed by the Court below is confirmed. The petitioner is directed to deposit a sum of Rs.7,20,000/- within a period of six weeks from today before the trial Court. 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.

सत्यमेव जयते

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

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Sub Assistant Registrar

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To

The Principal District and Sessions Judge,
Coimbatore.

+1cc to Mr.L.Mouli, Advocate, S.R.No. 64906

Crl.O.P.No.20338 of 2019

LN (CO)
GN (01/08/2019)



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