

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.26711 of 2019

Jayarani

... Petitioner/Accused

Vs.

Perumal

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order passed by the learned Principal Sessions Judge of Kanchipuram District, Chengalpattu made in Crl.M.P.No.4534 of 2019 in C.A.No.75 of 2019 dated 26.08.2019.

For Petitioner : Mr.T.R.Ravi

For Respondent : Mr.G.Magesh Kumar

O R D E R

This petition has been filed to call for the records and set aside the order passed by the learned Principal Sessions Judge of Kanchipuram District at Chengalpattu made in Crl.M.P.No.4534 of 2019 in C.A.No.75 of 2019 dated 26.08.2019.

2. The respondent herein has filed a complaint under Section 138 of the Negotiable Instruments Act against the petitioner herein and based on the same, the learned Judicial Magistrate, Maduranthagam has taken the case on file in C.C.No.46 of 2017 and after trial, he convicted the petitioner and sentenced her to undergo two years simple imprisonment and also directed the petitioner to pay a fine of Rs.10,000/- in default, to undergo six months simple imprisonment and also directed the petitioner to pay a sum of Rs.20,00,000/- (Rupees twenty lakhs only) as compensation under Section 357 of Cr.P.C. As against the said judgment of conviction and sentence, the petitioner herein has filed an appeal in Crl.A.No.75 of 2019 on the file of the learned Principal Sessions Judge, Kanchipuram District at Chengalpattu and also filed the Crl.M.P.No.4534 of

2019 under Section 389 (1) Cr.P.C to suspend the sentence. In that petition, the learned Principal Sessions Judge, has passed an order dated 26.08.2019 that the order of the Trial Court with regard to payment of compensation shall be suspended on deposit of Rs.5,00,000/- before Judicial Magistrate, Maduranthagam within 30 days. Aggrieved by the same, the petitioner has filed this petition.

3. The learned counsel for the petitioner has submitted that the petitioner is a school teacher and she is not able to arrange a sum of Rs.5,00,000/- and hence, he requests to reduce the said amount to Rs.1,00,000/- (Rupees One Lakh only) without prejudice to her defence to be taken before the appellate Court.

4. The learned counsel for the respondent has submitted that since the cheque amount is Rs.10,00,000/-, the Trial Court has awarded a compensation of Rs.20,00,000/- . Taking into consideration of the said facts, the Appellate Court reduced the amount directing the petitioner to pay a sum of Rs.5,00,000/- and in the said discretion exercised by the Appellate Court, this Court need not interfere.

5. Considering the rival submissions, the order passed by the Appellate Court is modified to the effect that the petitioner shall deposit a sum of Rs.1,00,000/- towards compensation before the learned Judicial Magistrate, Maduranthagam, within 30 days from the date of receipt of a copy of this order without prejudice to her defence to be taken before the Appellate Court.

6. With the above said modifications, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(JJ Act)

//True Copy//

Sub Assistant Registrar

ebsi

To

1.The Principal Sessions Judge,
Kanchipuram District,
Chengalpattu.

2.The Judicial Magistrate,
Maduranthagam.

+1cc to Mr.G.Mageshkumar, Advocate SR.105055

CRL.O.P.No.26711 of 2019

SSI (CO)
CB(10/02/2020)



WEB COPY