

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :17.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.14538 of 2017
and
Crl.M.P.No.9248 of 2017

P.Manimaran

... Petitioner

Vs.

R.Shanmugasundaram

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the learned Additional Sessions, Magalir Neethi Mandram (Fast Track Mahila Court), Erode dated 17.07.2017 made in Crl.M.P.No.227 of 2017 made in C.A.No.165 of 2017 and allow this Criminal Original Petition.

For Petitioner : Mr.S.Karthikeyan
For Respondent : No Appearance

O R D E R

This petition has been filed against the order passed by the court below by imposing a condition while suspending the sentence passed against the petitioner for an offence under Section 138 of the Negotiable Instrument Act.

2.The petitioner faced trial for an offence under Section 138 of the Negotiable Instrument Act and he was convicted by judgment dated 08.06.2017. The petitioner filed an appeal before the Court below in Criminal Appeal No.165 of 2017 and along with the appeal, the petitioner filed a petition for suspension of sentence.

3.The Court below while dealing with the suspension of sentence petition, allowed the petition by imposing certain conditions. One of the condition that was imposed by the Court below was that the petitioner should deposit a sum of Rs.1,50,000/-. This condition is now been put to challenge.

4.The learned Counsel for the petitioner submitted that the Court below ought not to have imposed such a onerous condition

against the petitioner, more particularly, when the petitioner was exercising his statutory right of appeal. The learned Counsel further submitted that the condition has been imposed by the Court below without assigning any reason.

5.The respondent has been served and his name is also printed in the cause list. However, there is no appearance for the respondent.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Court below to the effect that the petitioner shall deposit a sum of Rs.75,000/- before the Trial Court within a period of four weeks from the date of receipt of copy of this order.

7.This Criminal Original Petition is partly allowed with the following conditions:

(a) The petitioner is directed to surrender before the court below within a period of 15 days from the date of receipt of copy of this order and he shall execute a bail bond for a sum of Rs.10,000/- with one surety for a likesum.

(b) The petitioner shall deposit a sum of Rs.75,000/- within a period of four weeks from the date of receipt of copy of this order in S.T.C.No.20 of 2016, on the file of the Judicial Magistrate, Fast Track Court No.1, Erode.

(c) If the petitioner fails to comply with any one of the condition, the suspension of sentence granted in favour of the petitioner shall stand revoked automatically without any further reference to this court.

(d) The appellate Court is directed to complete the proceedings in Crl.A.No.165 of 2017 within a period of three months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The learned Additional Sessions Judge,
Magalir Neethi Mandram,
Fast Track Mahila Court, Erode.

2.The Judicial Magistrate,
Fast Track Court No.1,
Erode.

3.do Thro The Chief Judicial Magistrate,
Erode District.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.14538 of 2017
and
Crl.M.P.No.9248 of 2017

nr 19/07/2019



WEB COPY