

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3627 of 2020

K.Subramaniam

... Petitioner

Vs

K.Saravanakumar

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to modify the conditions No.2, i.e. "that the appellant/accused is directed to deposit 20% of the compensation amount before the trial Court within 60 days as per 148 of N.I.Act which has been amended by amendment Act No.20/2018 which came into force W.e.f 01.09.2018" and condition No.4 i.e. "on further condition that failing to deposit 20% of the compensation amount before the trial Court within 60 days, this petition shall be dismissed automatically", imposed in Crl.M.P.No.2057 of 2019 in C.A.No.86 of 2019 on the file of the Principal Sessions Judge, Namakkal dated 19.12.2019.

For Petitioner : Mr.R.Subburaj

ORDER

This Criminal Original Petition has been filed for modify the condition imposed in Crl.M.P.No.2057 of 2019 in C.A.No.86 of 2019. Thereby, directed the petitioner to deposit 25% of the compensation amount before the trial Court within 60 days by an order dated 19.12.2019.

2. The petitioner is an accused, the respondent initially proceeding under Section 138 of the Negotiable Instruments Act as against the petitioner and the trial Court convicted the petitioner and sentenced him to undergo simple imprisonment for six months and also ordered compensation of Rs.10,00,000/- to the respondent. Aggrieved by the same, the petitioner preferred an appeal through the Principal Sessions Court, Namakkal in Crl.A.No.86 of 2019. The Appellate Court suspended the sentence under Section 389 (1) of Cr.P.C and the relevant paragraphs are extracted as follows:

"In the result, the sentence of imprisonment imposed on the petitioner/appellant/accused is

ordered to be suspended only for 2 months from this date of order on the following conditions;

1. that on his executing a bond for Rs.10,000/- with two sureties for likesum each to the satisfaction of learned Judicial Magistrate, No.1, Namakkal.

2. That the Appellant/Accused is directed to deposit 20% of the compensation amount before the trial Court, within 60 days, as per 148 of N.I Act which has been amended by Amendment Act. No 20/2018 which came in to force w.e.f 01.09.2018;

3. that the petitioner/appellant/accused should appear and sign before the trial Court on the 1st working day of every month at 10.00 A.M. and to appear on all further hearings in the appeal without fail;

4. on further condition that failing to deposit 20% of the compensation amount before the trial Court within 60 days, this petition shall dismissed automatically, and

5. on further condition that failing to contest the case within 3 hearings, this petition shall stand dismissed automatically."

3. Thereby, directed the petitioner to deposit 25% of the compensation amount before the trial Court within 60 days as contemplated under Section 148 of the Negotiable Instruments Act.

4. Now, the learned counsel for the petitioner/accused seeks further 30 days time to comply the condition as contemplated under Section 148 of Sub Clause (3) Negotiable Instrument Act.

5. Considering the facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Appellate Court insofar as Clause No.2 is concerned and the petitioner is directed to deposit 20% of the compensation amount on or before 20.03.2020, failing which, the order passed by the appellate Court in C.M.P.No.2057 of 2019 in CrI.A.No.86 of 2019 shall stand automatically cancelled.

6. With the above directions, this Criminal Original Petition is modified.

Sd/-

Assistant Registrar(C.S.III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Namakkal

2. The Judicial Magistrate No.I,
Namakkal.

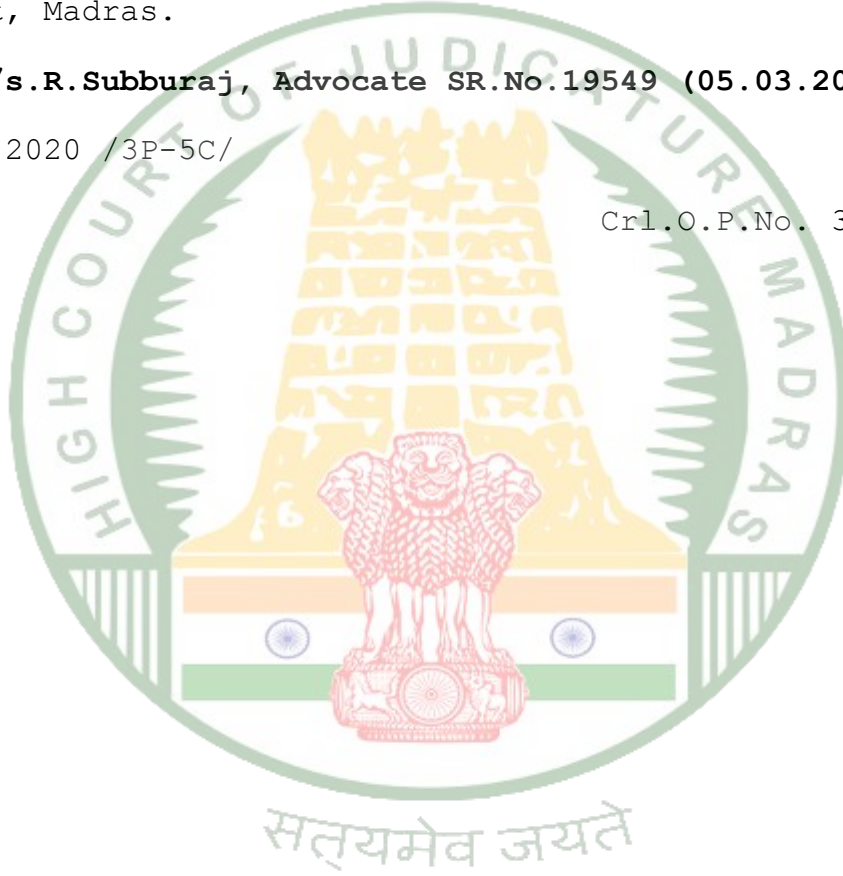
3. -Do-Thro' The Chief Judicial Magistrate,
Namakkal.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Subburaj, Advocate SR.No.19549 (05.03.2020)

AKM/04.03.2020 /3P-5C/

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