

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.23562 of 2019

R.Varadharaj
S/o Rajendran
Partner M/s Sri Krishna Silks
Somanur Main Road
Karumathampatti
Coimbatore. Petitioner

Vs.

1.The State rep by
the Public Prosecutor
Coimbatore.

2.M/s Sri Bhuvana Hosieries
Rep. by its Proprietor K.Suresh
S/o Kapurchand
No.10, Uppukinar Sandhi
Raja Street, Shop No.15, 1st Floor
Coimbatore.Respondents

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, to set aside the order passed in C.M.P.No.1901 of 2019 in C.A.No.187 of 2019 dated 14.06.2019 by the Principal District and Sessions Court, Coimbatore with respect to the financial condition imposed under Section 148 of the Negotiable Instruments Act directing the petitioner to deposit Rs.1,20,000/- (20% of the amount of compensation) in the trial Court.

For Petitioner : Mr.S.B.Viswanathan

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor for R1

No Appearance for R2

ORDER

Seeking direction to set aside the order passed in C.M.P.No.1901 of 2019 in C.A.No.187 of 2019 dated 14.06.2019 by the Principal District and Sessions Court, Coimbatore with respect to the financial condition imposed under Section 148 of the Negotiable Instruments Act directing the petitioner to deposit Rs.1,20,000/- (20% of the amount of compensation) in the trial Court, the petitioner is before this Court.

2.It is seen that the petitioner is an accused. The 2nd respondent initiated proceedings for the offences punishable under Section 148 of the NI Act as against the petitioner in C.C.No.286 of 2016. After completion of trial, the trial Court convicted the petitioner with Simple Imprisonment of six months with fine of Rs.6 Lakhs as compensation alongwith interest at the rate of 6% to the complainant. Aggrieved by the same, the petitioner has preferred an appeal in CrI.A.No.187 of 2019, before the District and Sessions Judge, Coimbatore. The 1st Appellate Court while suspending the sentence imposed by the trial Court, with some conditions on the petitioner that he should deposit a sum of Rs.1,20,000/- towards part of the compensation amount before the trial Court. Now, more than a year lapsed and as such the time for depositing the said amount as per the Act itself has expired as per the provision under Section 148 of the NI Act. Further, the trial Court has rightly imposed a condition on the accused/petitioner. Therefore, this Court finds no irregularity or infirmity in the order passed by the 1st Appellate Court in C.M.P.No.1901 of 2019 in C.A.No.187 of 2019 dated 14.06.2019. Therefore, the petition is devoid of merits. Hence the Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Coimbatore.

2.The Judicial Magistrate,
Fast Track Court II at Magisterail Level,
Coimbatore.

3.Do-thro'the Chief Judicial Magistrate,
Coimbatore.

4.The Public Prosecutor
Coimbatore.

CrI.O.P.No.23562 of 2019

EV (CO)
CB (23/09/2020)



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