

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9675 of 2021

Ramesh

... Petitioner/Accused

Versus

Mohankumar

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crl MP.No.226/2021 in unnumbered Crl.A.No. /2021 on the file of the Principal Sessions Judge, Krishnagiri and set aside the dismissal order dated 18/02/2021 passed in Crl.M.P.No.226 of 2021

For Petitioner : Mr.V.Sakkarapani

ORDER

This Criminal Original petition has been filed to call for the records in Crl. MP No.226 of 2021 in unnumbered Crl.A.No.2021 on the file of Principal Sessions Judge, Krishnagiri and set aside the dismissal order dated 18.02.2021 in Crl MP No.226 of 2021.

2. The petitioner is arrayed as the sole accused and he has been convicted by the learned Judicial Magistrate, Hosur in STC No.226 of 2017 dated 13.10.2020 for the offence u/s. 138 of Negotiable Instrument Act and he has been sentenced to undergo simple imprisonment for a period of one year and to pay a sum of Rs.4,80,000/- as Compensation to the respondent. Aggrieved by the said order of conviction passed by the Trial Court, the petitioner preferred an Appeal in unnumbered C.A.no.....of 2021 along with suspension of sentence before the learned Principal Sessions Judge, Krishnagiri in Crl MP no.226 of 2021. While so, the Lower Appellate Court by an order dated 02.02.2021 had suspended the sentence and directed the petitioner to execute bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Fast Track Court, Hosur, on or before 16.02.2021 and for report compliance on 17.02.2021. Since the petitioner has not complied with the conditional order, the Lower Appellate Court by an order dated 18.02.2021 had dismissed the suspension of sentence petition for default. Challenging the said order, the present criminal

original petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that the petitioner had deposited 20% of the compensation amount of Rs.96,000/- (Rupees Ninety six thousand only) before the learned Principal District Judge, Krishnagiri, to the credit of STC No.226 of 2017 on 16.12.2021 and also produced a receipt bearing No.407329 to that effect before this Court. The learned counsel further submitted that due to the pandemic situation and sudden illness caused to the petitioner, he was not able to execute the sureties as ordered by the Lower Appellate Court and was also not able to appear before the Court on the specified date.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has already paid the 20% of the compensation amount to the petitioner as imposed by the Lower Appellate Court, the petitioner is directed to execute a bond for a sum of Rs.10,000/- with two surieites each for a like sum before the learned Judicial Magistrate, Fast Track Court, Hosur, within a period of 15 days after normal functioning of the Court below and thereafter, shall produce the intimation before the Lower Appellate Court and the Lower Appellate Court is directed to number the appeal and dispose of the same, in accordance with law.

5. This Criminal Original petition is disposed of with the above directions.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. The Judicial Magistrate, Hosur
2. The Judicial Magistrate, Fast Track Court, Hosur,
3. The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.V.Sakkarapani, Advocate SR.No.27498

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