



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P. (MD)No.13242 of 2019

and

Crl.M.P. (MD)No.8126 of 2019

O.R.B.Vikraman

... Petitioner

vs.

Balu Agencies

Represented by its Proprietor Chittibabu

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to set aside the impugned order directing the petitioner to deposit a sum of Rs.16,75,938/- (50% of the compensation amount) before the learned Judicial Magistrate, Aruppukottai in Cr.M.P.No.2714 of 2019 in C.A.No.76 of 2019 on the file of the learned Additional Sessions Judge, Virudhunagar against C.C.No.102 of 2014 on the file of the learned Judicial Magistrate, Aruppukottai.

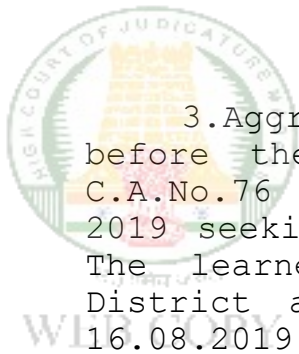
For Petitioner : Mr.M.Michael Bharathi

For Respondent : Mr.M.Jothi Basu

O R D E R

This Criminal Original Petition has been filed seeking orders to set aside the order passed in Cr.M.P.No.2714 of 2019 dated 16.08.2019 on the file of the learned Principal District & Sessions Judge, Virudhunagar District at Srivilliputtur, directing the petitioner to deposit a sum of Rs.16,75,938/- before the trial Court within a period of two weeks, while suspending the sentence imposed by the trial Court.

2.It is not in dispute that the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of two years and was also directed to pay the cheque amount of Rs.33,51,876/- with usual default clause for the offence under Section 138 of NI Act by the learned Judicial Magistrate, Aruppukottai in C.C.No.102 of 2014 vide judgment dated 30.07.2019.



3. Aggrieved by the same, the petitioner has preferred an appeal before the learned Principal Sessions Judge, Srivilliputhur in C.A.No.76 of 2019 along with the application in Cr.M.P.No.2714 of 2019 seeking suspension of sentence of imprisonment and for bail. The learned Principal District & Sessions Judge, Virudhunagar District at Srivilliputtur has passed the impugned order dated 16.08.2019 suspending the imprisonment till the disposal of an appeal, directed the petitioner to deposit a sum of Rs.16,75,938/- being the 50% of the compensation awarded by the trial Court.

4. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the petitioner is ready to deposit 20% of the amount, ordered by the Sessions Court.

5. The learned counsel for the respondent would submit that the petitioner may be directed to deposit 20% of the compensation amount awarded by the trial Court, for which the learned counsel for the petitioner has also agreed.

6. Considering the above facts and circumstances, the petitioner is directed to deposit a sum of Rs.6,70,375/- (Rupees Six Lakhs Seventy Thousand Three Hundred and Seventy Five only) being the 20% of the compensation amount ordered by the trial Court before the trial Court within a period of four weeks from the date of receipt of a copy of this order and other conditions imposed by the learned Principal District & Sessions Judge, Virudhunagar District at Srivilliputtur, stand unaltered. On such deposit, the respondent is directed to withdraw the said amount.

7. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

csm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Principal District & Sessions Judge,
Virudhunagar District at Srivilliputtur.

2.The Additional Sessions Judge, Virudhunagar.

3.The Judicial Magistrate, Aruppukottai.

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-40412[F] dated 27/12/2021)

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-40409[F] dated
27/12/2021)

Crl.O.P. (MD) No.13242 of 2019

and

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