



Crl.O.P No.12794 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **16.11.2022**

CORAM :

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.12794 of 2021

J.Benjamin Jacob

... Petitioner

Vs

1.The Public Prosecutor
Coimbatore.

2.K.Venukadevi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Crl.M.P No.833 of 2021 dated 01.03.2021 pending on the file of the learned Principal District and Sessions Judge, Coimbatore and set aside the same and consequently relax the condition imposed by the learned Principal District and Sessions Judge, Coimbatore.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor



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ORDER

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The Criminal Original Petition has been filed, to set aside the order of the learned Principal District and Sessions Judge, Coimbatore dated 01.03.2021, made in Crl.M.P No.833 of 2021.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

3. The petitioner is the accused in a private complaint given by the 2nd respondent for the offence under Section 138 of Negotiable Instruments Act; after the trial was concluded, the accused was found guilty and was convicted; against which the petitioner preferred an appeal in C.A No.205 of 2020 to suspend the sentence till the disposal of the appeal; the sentence was suspended on the condition that the petitioner shall deposit a sum of Rs.2,40,000/- towards part compensation on or before 19.01.2021 and also to sign before the trial Court on the first working day of every month at 10.30 a.m.; the petitioner had filed a petition to relax the conditions, but the same was



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dismissed. Aggrieved over that, the petitioner has filed this criminal original petition.

4. The learned counsel for the petitioner submitted that even in the order of the learned Principal District and Sessions Judge, Coimbatore, it is stated that the public prosecutor has no objection to relax the condition bail and that was not considered by the Sessions Judge.

5. It was not reported by the Public Prosecutor that the petitioner has not complied the condition scrupulously. Hence, the petitioner is at liberty to file a fresh petition for relaxing / modifying the condition after giving notice to the 2nd respondent as well.

6. With the above observation, this Criminal Original Petition is disposed of .

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Index : Yes/ No
Speaking Order: Yes/No
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- To
1. The Principal District and Sessions Judge,
Coimbatore.
 2. The Public Prosecutor
Coimbatore.
 3. The Public Prosecutor
High Court of Madras.



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R.MANJULA, J

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