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Crl.O.P.No.19658 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.19658 of 2020

1.L.Senthil Kumaran
2.T.Soughath Raana
3.R.Mahalakshmi

... Petitioners

Vs

M/S Nikita Agency
Mrs.Kusumdevi More Proprietrix,
No.356, Mini Street,
Sowcarpet,
Chennai – 600 079
Represented by her Power Agent
Bharat R More.

... Respondent

Prayer:Criminal Original Petition filed under Section 482 Cr.P.C. to set aside and modify the conditions to deposit 20% of the cheque amount in the order dated 08.10.2020 imposed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.9666 of 2020 in Crl.A.No.91 of 2020 against C.C.No.5795 of 2008 on the file of the Metropolitan Magistrate, FTC-IV, George Town, Chennai.

For Petitioners : Mr.R.John Sathyan

For Respondent : Mr.E.Senthil Kumar



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ORDER

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This petition has been filed to set aside and modify the conditions to deposit 20% of the cheque amount in the order dated 08.10.2020 imposed by the learned Principal Sessions Judge, Chennai, in CrI.M.P.No.9666 of 2020 in CrI.A.No.91 of 2020 against C.C.No.5795 of 2008 on the file of the Metropolitan Magistrate, FTC-IV, George Town, Chennai.

2. The learned counsel for the petitioners submitted that these petitioners were convicted for the offence under Section 138 of Negotiable Instrument Act, and sentenced them to undergo two years Imprisonment. He further submitted that the petitioners were also directed to pay a compensation of Rs.1,00,00,000/- (Rupees One Hundred Lakhs only) jointly or severally to the complainant as contemplated under Section 357(3) of the Cr.P.C.,

3. Aggrieved over the same, the petitioners preferred an appeal before the learned Metropolitan Magistrate, FTC-IV, George Town, Chennai in CrI.A.No.91 of 2020, wherein, vide order dated 01.10.2020 made in



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Crl.M.P.No.9666 of 2020, the sentence of imprisonment was suspended and the petitioners were directed to deposit 20% of the cheque amount to the credit of C.C.No., within a period of 60 days. It is under challenge in this petition.

4. While pending this petition, without any interim order, the Appellate Court revoked the order of suspension of sentence for the reason that the petitioners failed to comply with the condition imposed by the First Appellate Court. While revoking the suspension, vide order dated 08.03.2021, Non-Bailable Warrant has also been issued to secure the petitioners and proceed with the appeal. Therefore, the prayer as sought for by the petitioners has become infructuous.

5. Accordingly, this Criminal Original Petition stands dismissed.

27.06.2022

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN, J

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To

1. Metropolitan Magistrate,
FTC-IV, George Town, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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27.06.2022