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CrI.O.P.No.22863 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM

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

CrI.O.P.No.22863 of 2022

P.R.Sivashankar

... Petitioner

Vs

D.Umazhankar

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to modify the condition imposed in CrI.M.P.No.3582 of 2022 in C.A.No.35 of 2022, vide order dated 2308.2022 by the Principal Sessions Judge, Kancheepuram District, Chengalpattu, to deposit 20 % compensation amount i.e., Rs.4,00,000/- the date of the order, and allow this petition.

For Petitioner : Mr.P.Suresh

ORDER

This petition has been filed to modify the condition imposed in CrI.M.P.No.3582 of 2022 in C.A.No.35 of 2022, vide order dated 2308.2022 by the Principal Sessions Judge, Kancheepuram District, Chengalpattu, to deposit 20 % compensation amount i.e., Rs.4,00,000/- the



date of the order, and allow this petition.

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2. The learned counsel for the petitioner would submit that the respondent is the power holder and he is the complainant. Therefore, there is a legal chance for the petitioner's acquittal before the appellate Court. Therefore, the petitioner did not pay any amount to the respondent herein. Without considering the facts and circumstances, the appellate Court while suspending the sentence imposed by the trial Court, directed the petitioner to deposit 20 % of the compensation amount i.e., Rs.4,00,000/- to the credit of trial Court, within thirty days.

3. It is seen that the petitioner is an accused in the complaint lodged by the respondent herein for the offence under Sections 138 and 142(2)(a) of Negotiable Instruments Act in C.C.No.54 of 2018. The trial Court convicted the petitioner for the offence under Section 138 of NI Act and sentenced him to undergo one year simple imprisonment and also ordered compensation of Rs.20,00,000/-. Aggrieved over the same, the petitioner preferred an appeal with a petition for suspension of sentence. The trial



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Court, while suspending the sentence, directed that the petitioner shall deposit a sum of Rs.4,00,000/- as compensation amount as contemplated under Section 138 of NI Act. The point raised by the petitioner was already rejected by the trial Court and further it is now under appeal. In so far as the condition is concerned, the first appellate Court rightly imposed the condition as contemplated under Section 148 of NI Act. Therefore, this Court finds no infirmity or illegality in the order passed by the court below.

4. Accordingly, the criminal original petition stands dismissed. However, the time is extended to the petitioner till 20.10.2022 for complying with the conditions.

22.09.2022

Index: Yes/no
Speaking/non speaking order
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G.K.ILANTHIRAIYAN. J,

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To

1.The Principal Sessions Judge,
Kancheepuram District,
Chengalpattu.

2.The Public Prosecutor,
Madras High Court,
Chennai.

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22.09.2022