



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD) . No.20304 of 2021

V.Kumari

... Petitioner/Petitioner

Vs

A.V.Radhakrishnan

... Respondent/Respondent

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the 2 condition imposed by the learned Principal Sessions Judge, Thanjavur in Crl.M.P.No.5480 of 2021 dated 20.11.2021 in C.A.No.87 of 2021.

For Petitioner : Mr.M.Karunanithi

For Respondent : Mr.A.Senthil Kumar

ORDER

This Criminal Original Petition has been filed to set aside the second condition imposed by the learned Principal Sessions Judge, Thanjavur in Crl.M.P.No.5480 of 2021 dated 20.11.2021 in C.A.No.87 of 2021.

2.The petitioner is an accused in the complaint alleged by the respondent for the offence under Section 138 of NI Act. After completion of trial, the Court below convicted the petitioner to undergo one year simple imprisonment and to pay a sum of Rs.40,00,000/- (Rupees Forty Lakhs only) as compensation under Section 357 (3) Cr.P.C within a period of two months in default to undergo two months simple imprisonment. Aggrieved over the same, he has filed an appeal in C.A.No.87 of 2021 and also filed an application in Cr.M.P(MD).No.5480 of 2021 to suspend the sentence imposed in STC.No.192 of 2013 dated 22.10.2021. The said application was allowed by the learned Principal Sessions Judge by order dated 20.11.2021, with a condition to execute a personal bond for Rs.10,000/- with two sureties each for like sum to the satisfaction of the Judicial Magistrate, FTC, Thanjavur and also to deposit 20% on the compensation award which comes to Rs.8 lakhs as required under Section 148(2) of NI Act within a period of 30 days from the date of the order. Aggrieved over the same, the present Criminal Original Petition has been filed.

3. Heard both sides.

4. This Court does not find any illegality or infirmity in the order passed by the learned Principal Sessions Judge, since the Court below directed the petitioner to deposit 20% of the compensation award.



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In the result, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TTA

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

The Principal Sessions Judge, Thanjavur

CRL OP(MD). No.20304 of 2021

Date : 28/03/2022

MGJ(19.05.2022) 2P 2C