



Crl.O.P.No.9598 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9598 of 2023

Nanjan

....Petitioner

Vs.

1. United Planters Association of Southern India,
Rep. By its Secretary Mr.Sanjith S/o. Late Rajan Nair,
Glenview, UPASI, Conoor,
The Nilgiris.

2. The State Rep.by,
The Public Prosecutor,
Udhagamandalam.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside and modify the order passed in Crl.M.P.No.65 of 2023 in C.A.No.07 of 2023 dated 12.01.2023 by the Court of Sessions Division of the Nilgiris District at Udhagamandalam, thereby imposing the conditions to comply with the order passed in the petition filed for suspension of sentence imposed on the petitioner.

For Petitioner : Mr.A.Bobbli

For R2 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed to set aside and modify the order passed in Crl.M.P.No.65 of 2023 in C.A.No.07 of 2023 dated 12.01.2023 by the Court of Sessions Division of the Nilgiris District at Udhagamandalam, thereby imposing the conditions to comply with the order passed in the petition filed for suspension of sentence imposed on the petitioner.

2. The learned counsel for the petitioner submitted that, petitioner was convicted and sentenced to undergo simple imprisonment for a period of 6 months and ordered further to pay the cheque amount of Rs.3,00,000/- as compensation under Section 357(3) of Cr.P.C to the complainant within a period of three months. Against the said conviction and sentence, petitioner filed appeal in Crl.A.No.07 of 2023 along with the petition for suspension of sentence in Crl.M.P.No.65 of 2023. The learned Sessions Judge, Udhagamandalam while suspending the sentence, directed the petitioner to deposit 30% of the compensation amount ie., Rs.90,000/- before the learned Fast Track Judicial Magistrate, Coonoor. Challenging this order, present petition is filed.

3. On going through the order passed by the learned Sessions Judge,



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Udhagamandalam in Crl.M.P.No.65 of 2023, this Court finds that, learned counsel appearing before the learned Judge had come forward to deposit a sum of Rs.90,000/-. Therefore, it is not open to the petitioner to challenge the order directing the petitioner to deposit of 30% of the compensation amount. Therefore, this Court is not inclined to interfere with the order passed by the learned Sessions Judge, Udhagamandalam in Crl.M.P.No.65 of 2023.

4. Accordingly, this Criminal Original Petition is dismissed.

28.06.2023

Internet: Yes
Index: Yes/No
Sma

To:

Sessions Judge, Udhagamandalam



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G.CHANDRASEKHARAN, J.
sma

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