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Crl.O.P.No.8721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.8721 of 2023

Vijayalakshmi

... Petitioner

Vs.

Raja

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the orders made in Crl.M.P.No.8770 of 2022 in C.A.No.35 of 2022 vide order dated 11.01.2023 on the file of learned Principal District and Session Judge, Villupuram District, Villupuram and set aside the condition to deposit 20% of the compensation amount as cash security before learned Judicial Magistrate No.1, Villupuram.

For Petitioner : Mr.Om Sai Ram

For Respondent : No appearance



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records relating to the orders made in Crl.M.P.No.8770 of 2022 in C.A.No.35 of 2022 vide order dated 11.01.2023 on the file of learned Principal District and Session Judge, Villupuram District, Villupuram and set aside the condition to deposit 20% of the compensation amount as cash security before learned Judicial Magistrate No.1, Villupuram.

2.The learned counsel for the petitioner submitted that petitioner is an accused in S.T.C.No.208 of 2020. After trial, petitioner was convicted and sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.2,00,000/- to the respondent. Against the said judgment petitioner filed petition for suspension of sentence in C.M.P.No.8770 of 2022 in Crl.A.No.35 of 2022. The learned Principal Session Judge, Villupuram, while ordering suspension of sentence in C.M.P.No.8770 of 2022 on 11.01.2023, directed the petitioner to deposit 20% of the compensation amount as security before the learned Judicial Magistrate No.I, Villupuram. Challenging this order, this petition is filed.



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3.It is the submission of learned counsel for petitioner that respondent had no means to pay the amount. Without considering that, respondent had no means to pay the amount, the learned Judicial Magistrate No.1, Villupuram, wrongly convicted and sentenced the petitioner. Even the Appellate Court has not considered this aspect and directed the petitioner to deposit 20 % of the compensation amount. Thus, he prayed for setting aside the order.

4.Considered the submission of learned counsel for the petitioner and perused the records.

5.It is seen from the records, after complete trial, the learned Judicial Magistrate No.1, Villupuram, convicted and sentenced the petitioner as referred above. When the appeal is pending, it is for the appellant to canvass the grounds of defence when the matter is taken for final hearing. The learned Principal Sessions Judge, Villupuram, has only directed deposit of 20% of the compensation amount before the learned Judicial Magistrate No.1, Villupuram. Section 148 of Negotiable Instruments Act gives power to pass such an order. Thus, this Court finds there is no illegality or irregularity in directing the



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petitioner to deposit 20% of the compensation amount. This Court is of the view that, this petition has no merits and it is liable to be dismissed. Petitioner is granted one month time for deposit of 20% of compensation amount before the learned Judicial Magistrate No.I, Villupuram, from the date of receipt of copy of this order.

6.In this view of the matter, the order made in C.M.P.No.8770 of 2022 in C.A.No.35 of 2022, dated 11.01.2023 on the file of learned Principal District and Session Judge, Villupuram District, Villupuram, is confirmed. Accordingly, this Criminal Original Petition is dismissed.

21.04.2023

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Index:Yes/No

Speaking/Non speaking order



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G.CHANDRASEKHARAN.J.,

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To:-
The Principal District and Session Judge,
Villupuram District, Villupuram,

Crl.O.P.No.8721 of 2023

21.04.2023