



Crl.O.P.No.18350 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18350 of 2023

Suseela

.. Petitioner

Versus

1. Chandran

2. State rep. by

**Pubic Prosecutor of Nilgiris,
Udhagamandalam,
The Nilgiris District.**

.. Respondents

Prayer : Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to modify the order passed in Crl.M.P.No.159 of 2023 in C.A.No.15 of 2023, dated 07.02.2023 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 suspense of sentence imposed on the petitioner.

For Petitioner : Mr.A.Bobblic

**For Respondents : Mr.A.Gopinath,
Government Advocate (Crl. Side),
for R2**



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ORDER

This petition has been filed seeking for modification of the condition imposed by the Court below while suspending the sentence pending the Criminal Appeal in C.A.No.15 of 2023.

2. The respondent filed a complaint against the petitioner for offence under Section 138 of the Negotiable Instruments Act, 1881. The Trial Court passed a judgment in S.T.C.No.107 of 2015, dated 10.01.2023, convicting the petitioner and sentencing her to undergo six months Simple Imprisonment and to pay double the cheque amount. Aggrieved by the same, the petitioner filed an appeal before the Court below. Pending the appeal, an application for suspension of sentence was filed. The application was allowed by order, dated 07.02.2023 and the petitioner is aggrieved by the following condition imposed by the Court below:-

"3....

(ii) that the Petitioner/Appellant/Accused should deposit a sum of Rs.4,68,000/- towards the part of compensation amount before the Fast Track Judicial Magistrate, Coonoor within two months from the date of this order on or before 07.04.2023."



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3. This Court carefully considered the submissions made by the learned Counsel for the petitioner and materials available on record.

4. Taking into consideration the facts and circumstances of the case, the condition imposed by the Court below is modified and there shall be a direction to the petitioner to deposit a sum of Rs.3,12,000/- which is 20% of the compensation awarded by the Trial Court within a period of two weeks from the date of receipt of a copy of this order.

5. The other conditions imposed by the Court below shall stand as it is. It is made clear that if the petitioner does not deposit the amount as directed by this Court, the Court below shall take steps to make the petitioner undergo the sentence imposed by the Trial Court.

6. This Criminal Original Petition is disposed off in the above terms.

17.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



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grs
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To

1. The Sessions Division,
Udhagamandalam,
Nilgiris District.
2. The Public Prosecutor,
High Court of Madras.
3. The Pubic Prosecutor of Nilgiris,
Udhagamandalam,
Nilgiris District.



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N.ANAND VENKATESH, J.
grs

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