



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.15336 of 2023

Santhosh Kumar

Petitioner

vs.

1. M/s.VKN Fabrics
Represented by its Manager
No.53/29A, Kandasamy Layout
Pichampalayam Puthur
Tiruppur - 641 603
Tiruppur District.
Tamil Nadu.

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

Respondents

PRAYER : Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records of the order dated 26.06.2023 in Crl.MP.Nos.1315 of 2023 in C.A. Nos.151 of 2023 of the learned Principal Sessions Judge, Tiruppur and set aside the same insofar as it directs the petitioner to deposit 20% of the cheque amount before the Trial Court pending disposal of the appeal respectively.



For Petitioner : Mr. B. Prashanth Nadaraj
(in all the petitions)
For R2 : Mr.A.Damodaran
Additional Public Prosecutor
(in all the petitions)

ORDER

This petition has been filed seeking for extension of time to deposit 20% of the compensation amount imposed as a condition by the Court below for granting suspension of sentence in favour of the petitioner.

2. The petitioner faced trial before the Judicial Magistrate, Fast Track Court, Tiruppur for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 25.05.2023 convicted the petitioner and sentenced him to undergo 6 months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.7,50,000/- as compensation and in default to undergo one month simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal Sessions Judge, Thiruppur. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 26.06.2023, suspended the sentence by imposing certain conditions. One of the conditions imposed by the appellate Court was that the petitioner should deposit 20% of the compensation amount



ordered by the trial Court. The petitioner was given one month time to make this deposit.

4.The learned counsel for the petitioner submitted that the petitioner was not able to arrange for making this deposit due to financial constrains and therefore, the present petition has been filed seeking for extension of time. The learned counsel further submitted that the petitioner will deposit this amount within a period of one week from today.

5.Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioner to deposit 20% of the compensation amount ordered by the trial Court within a period of one week from the date of receipt of copy of the order. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court.

07.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
rka

Issue order copy on 19.07.2023.



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- To
1. The State
Represented by the Public Prosecutor
Tiruppur
 2. The Judicial Magistrate, Fast Track Court, Tiruppur
 3. The learned Principal Sessions Judge, Tiruppur.



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N. ANAND VENKATESH,. J.
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