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Crl.O.P.No.15925 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15925 of 2023

and

Crl.M.P.No.9963 of 2023

P.Balasubramaniam

S/o.Palanisamy

...Petitioner

-Vs-

M.Kanthaswamy

S/o.Muthukumarasamy

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records relating to the order passed by learned Principal District and Sessions Judge, Erode, in Crl.M.P.No.2188 of 2023 in C.A.No.201 of 2023 dated 27.06.2023 insofar as it relates to imposition of the condition by directing the petitioner to deposit 20% of the cheque amount before Judicial Magistrate, Fast Track Court I, Erode and set aside the same.

For Petitioner : Mr.C.Munusamy

ORDER

This petition has been filed challenging the order passed by learned Principal District and Sessions Judge, Erode, in Crl.M.P.No.2188 of 2023 in C.A.No.201 of 2023, dated 27.06.2023, insofar as it relates to imposition of condition by directing the petitioner to deposit 20% of the cheque amount before Judicial Magistrate, Fast Track Court I, Erode.



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2. The petitioner faced trial before the Judicial Magistrate, Fast Track Court I, Erode, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 12.06.2023 convicted the petitioner and sentenced him to undergo three months simple imprisonment and directed the petitioner to pay a sum of Rs.8,48,000/- as compensation within a period of three months from the date of judgment, in default to undergo one month simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the learned Principal District and Sessions Judge, Erode. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 27.06.2023 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 cheque amount ordered by the trial Court. The petitioner was given three months time to make this deposit.

4. Heard Mr.C.Munusamy, learned counsel for petitioner.



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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 two (2) weeks from the date of receipt of a copy of this 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. Consequently, connected miscellaneous petition is closed.

18.07.2023

Note: Issue today

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

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To

1.The Principal District and Sessions Judge,
Erode.

2.The Judicial Magistrate,
Fast Track Court I, Erode



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