



Crl.O.P.No.16657 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16657 of 2023
and Crl.M.P.No.10651 of 2023**

Ravikumar

.. Petitioner

Versus

N.M.M.Mangayarkarasi

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the condition to deposit 20% compensation amount to credit of C.C. order passed in Crl.M.P.No.11499 of 2023 in C.A.No.269 of 2023, dated 17.05.2023 by the Vacation Court Special Judge No.1 (for Trial of case to Member of Parliament and Member of Legislative Assembly), Chennai.

For Petitioner : Mr.S.Jerald Lenin

ORDER

This petition has been filed challenging the order passed by the Court below imposing condition of the deposit of 20% of compensation amount while suspending the sentence imposed against the petitioner for offence under Section 138 of the Negotiable Instruments Act, 1881.



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2. Heard Mr.S,Jerald Lenin, learned Counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo six months Simple Imprisonment and to pay a compensation of a sum of Rs.40,00,000/- . Aggrieved by the same, the petitioner filed an appeal before the Court below in Crl.A.No.269 of 2023 and had sought for suspension of sentence.

4. The Court below suspended the sentence by imposing conditions and one of the conditions that was imposed by the Court below was that the petitioner should deposit 20% of the compensation amount to the credit of the Calendar Case within a period of 60 days from the date of order.

5. The learned Counsel for the petitioner submitted that a sum of Rs.7,62,000/- was already paid to the respondent through a proper bank transaction which was also marked before the Trial Court under Ex.P6. The learned Counsel for the petitioner submitted that this should have been



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taken into consideration by the Court below before fixing the amount to be deposited by the petitioner.

6. Taking into consideration the facts and circumstances of the case and the materials available on record, this Court is inclined to modify the condition imposed by the Court below and instead of 20% of the compensation amount, there shall be a direction to the petitioner to deposit 10% of the compensation amount to the credit of C.C.No.6540 of 2018. This amount shall be deposited within a period of 60 days from today. The other conditions imposed by the Court below shall stand as it is.

7. The order passed by the Court below is modified to the extent indicated herein above and this Criminal Original Petition is disposed off accordingly. Consequently, connected miscellaneous petition is closed.

26.07.2023

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



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N.ANAND VENKATESH, J.
grs

To

The Vacation Court Special Judge No.1
(for Trial of case to Member of Parliament
and Member of Legislative Assembly), Chennai.

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