



CrI.O.P.No.19393 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.19393 of 2023

A.Seetharaman

...Petitioners

vs.

M.K.Ganesh

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records to set aside and modify the order passed by the learned Principal Sessions Judge, Chennai in CrI.M.P.No.12801 of 2023 in C.A.No.314 of 2023 on the file of the learned XVII Additional Sessions Judge, Chennai.

For Petitioners : Mr.M.Murali

ORDER

This criminal original petition has been filed to modify one of the conditions that was imposed by the Court below while suspending the sentence pending CrI.A.No.314 of 2023.



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2. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act in CC.No.4605 of 2016 and was sentenced to undergo two years simple imprisonment and to pay twice the cheque amount as compensation, in default to undergo six months simple imprisonment. Aggrieved by the same, the petitioner filed an appeal in Crl.A.No.314 of 2023 before the Court below. Along with the appeal, the petitioner had also filed an application for suspending the sentence and the same came to be allowed by an order dated 09.06.2023. One of the condition that was imposed by the Court below was to pay 20% of the compensation amount to the credit of CC.No.4605 of 2016 within a period of 60 days. Aggrieved by the same, the petitioner has filed the present petition.

3. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.

4. It is seen from the records that the petitioner has already been declared as insolvent. The petitioner does not possess any assets to pay 20% of the compensation as directed by the Court below. That apart, on carefully going through the materials placed, this Court finds that the petitioner has arguable points in the criminal appeal. In view of the same, this Court is inclined to



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interfere with the condition directing the petitioner to deposit 20% of the compensation amount. Accordingly, the said condition is set aside. The other conditions imposed by the Court below shall stand as it is.

5. This criminal original petition is disposed of in the above terms.

04.09.2023

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

To

- 1.The Principal Sessions Judge, Chennai
- 2.The XVII Additional Sessions Judge, Chennai.
- 3.The Public Prosecutor,
Madras High Court,
Chennai 600 104..



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N. ANAND VENKATESH, J.

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