



Crl.O.P.No.18423 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.18423 of 2023

M.Loganathan

.. Petitioner

Versus

J.P.Madheswaran

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition 4(ii) with respect to deposit a sum of Rs.1,20,000/- imposed in C.M.P.No.3444 of 2023 in C.A.No.181 of 2023 by an order, dated 28.06.2023 on the file of the Principal District and Sessions Judge at Coimbatore.

For Petitioner : Mr.K.Balasubramaniam

ORDER

This petition has been filed seeking for modification of the condition 4(ii) with respect to deposit of a sum of Rs.1,20,000/- imposed in Crl.M.P.No.3444 of 2023 in C.A.No.181 of 2023 by an order, dated 28.06.2023 on the file of the learned Principal District and Sessions Judge at Coimbatore.



Crl.O.P.No.18423 of 2023

WEB COPY

2. The petitioner faced trial before the learned Judicial Magistrate, Mettupalayam, for an offence under Section 138 of the Negotiable Instruments Act, 1881. The Trial Court by judgment dated 05.06.2023 convicted the petitioner and sentenced him to undergo six months Simple Imprisonment and directed the petitioner to pay a sum of Rs.6,00,000/- towards compensation within a period of two months from the date of the 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, Coimbatore. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 28.06.2023 suspended the sentence by imposing some conditions and one of the condition is that the petitioner should deposit a sum of Rs.1,20,000/- towards the part of compensation amount before the Trial Court on or before 11.08.2023.

4. Heard Mr.K.Balasubramaniam, learned Counsel for petitioner.



Crl.O.P.No.18423 of 2023

WEB COPY

5. The learned Counsel for the petitioner submitted that some more time is required for the petitioner to pay the said amount.

6. Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed off with a direction to the petitioner to deposit the said sum of Rs.1,20,000/- towards compensation amount before the Trial Court within a period of two weeks from today. 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.

17.08.2023

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

To

1. The Principal District and Sessions Judge,
Coimbatore.
2. The Judicial Magistrate,
Mettupalayam.



WEB COPY



Crl.O.P.No.18423 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.18423 of 2023

17.08.2023