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CrI.O.P.No.19924 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.19924 of 2023

1.Maruthi Constructions,
D.No.6/243-A Green Park School Road,
Lakshmi Nagar, Bothupatti Post,
Namakkal 637 001
Rep by its Managing Partner,
Mr.Shivakumar.

2.Shivakumar

...Petitioner

vs.

Kesavan

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the order of the Additional District and Sessions Judge, Namakkal dated 17.04.2023 in CrI.M.P.No.637 of 2023 in CrI.A.No.65 of 2023, directing the second petitioner herein to deposit 20% of Rs.36,00,000/- which works out to Rs.7,20,000/- before the learned Judicial Magistrate No.I, Namakkal under Section 148 of the Negotiable Instruments Act to that of 5% of Rs.36,00,000/- which works out to Rs.1,80,000/-.

For Petitioner : Mr.J.I.Rajkumar Roberts

ORDER



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This criminal original petition has been filed to modify one of the conditions that was imposed by the Court below while suspending the sentence in imposed in CC.No.272 of 2021 by judgment dated 03.03.2023.

2. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo six months simple imprisonment and to pay compensation of Rs.36,00,000/- by the learned Judicial Magistrate No.I, Namakkal in CC.No.272 of 2021 by judgment dated 03.03.2023. Aggrieved by the same, the petitioner filed an appeal before the Court below in Crl.A.No.65 of 2023. Pending appeal, the petitioner filed an application for suspending the sentence in CMP.No.637 of 2023. The Court below suspended the sentence by imposing certain conditions. One such condition was that the petitioner was directed to deposit 20% of the compensation amount.

3. The petitioner filed an application for modification of the above condition and the Court below by order dated 07.07.2023, once again directed the petitioner to deposit 20% of the compensation amount within a period of 60 days. Aggrieved by the same, the present petition is filed before this Court.

4. This Court carefully considered the submission made by the learned



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counsel for the petitioner and perused the materials available on record.

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5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the petitioner to deposit a sum of Rs.5,00,000/- to the credit of CC.No.272 of 2021 on the file of the learned Judicial Magistrate No.I, Namakkal on or before 14.09.2023. Hence, the condition imposed by the Court below is modified to that extent. If the petitioner fails to deposit the amount as directed by this Court, it is left open to the Court below to proceed further to secure the petitioner and make him undergo the sentence.

6. 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

Note: Issue order copy on 05.09.2023.



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N. ANAND VENKATESH, J.

nsa

To

- 1.The Additional District and Sessions Judge,
Namakkal.
- 2.The Judicial Magistrate No.I,
Namakkal

CrI.O.P No.19924 of 2023

04.09.2023