



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.20580 of 2023
and CrI.M.P.No.14027 of 2023

A.Nalina

... Petitioner

Vs.

Tensing

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the conditional order dated 14.08.2023 made in CrI.M.P.No.01 of 2023 in C.A.No.119 of 2023 on the file of the Special Court for Trial cases registered under SC/ST(POA) Act, Namakkal.

For Petitioners : Mr.M.Guruprasad

ORDER

This petition has been filed challenging the conditions imposed by the Court below while suspending the sentence pending the appeal in CrI.A.No.119 of 2023.

2. Heard the learned counsel for the petitioner and also carefully perused the materials available on record.



3. The petitioner was convicted for offence Under Section 138 of the Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay a compensation of Rs.30 lakhs by the learned Judicial Magistrate-II, Namakkal in C.C No.704 of 2023 by judgment dated 03.07.2023. The petitioner aggrieved by the same, filed an appeal before the court below in Crl.A.No.119 of 2023. The petitioner also filed an application for suspension of sentence in M.P.No.1 of 2023. The Court below while suspending the sentence by order dated 14.08.2023, imposed the following conditions:

2. *That the Appellant / Accused is directed to deposit 20% of the compensation amount before the trial Court, within 60 days as per 148 of N.I Act which has been amended by Amendment Act No.20 / 2018 which came into force w.e.f 01.09.2018.*
4. *On further condition, that on the breach of above conditions and failing to argue the appeal within three hearings, this petition shall stand dismissed automatically.*

Aggrieved by the same, the present criminal original petition has been filed before this Court.

4. Taking into consideration the facts and circumstances of the case and also the defense that has been taken by the petitioner and also considering the fact that the petitioner is a lady, this court is inclined to modify the conditions imposed by the court below in the following terms:



a) the petitioner is directed to deposit 10% of the compensation amount before the trial court, within a period of 60 days and

WEB COPY

b) the petitioner shall comply with the other conditions imposed by the Court below and the appeal shall be disposed of, as expeditiously as possible, on its own merits and in accordance with law.

5.This criminal original petition is disposed of in the above terms. Consequently, connected miscellaneous petition is closed.

08.09.2023

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

Neutral Citation : Yes/No

ssr

Note : Issue order copy on 11.09.2023.

To

1.The Special Court for Trial cases registered under SC/ST(POA) Act,
Namakkal.

2.The Public Prosecutor,
High Court, Madras.



WEB COPY



N.ANAND VENKATESH, J

SSR

Crl.O.P.No.20580 of 2023
and Crl.M.P.No.14027 of 2023

08.09.2023