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Crl.O.P.No.29384 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.29384 of 2022

V.Ganesh Babu

.....Petitioner

Vs.

M.Thiagarajan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to modify the condition made in Crl.M.P.No.2065 of 2022 in Crl.A.No.155 of 2022 on the file of the learned Principal Session Judge, Tiruppur.

For Petitioner : M/s A.Chitra
for M/s.K.Madhu

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed to to modify the condition made in Crl.M.P.No.2065 of 2022 in Crl.A.No.155 of 2022 on the file of the learned Principal Session Judge, Tiruppur.



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2. The learned counsel for the petitioner submitted that petitioner was convicted and sentenced by learned Judicial Magistrate, Fast Track Court, Tiruppur under Section 138 of Negotiable Instruments Act. He was also directed to pay a sum of Rs.15,20,280/- as compensation to the complainant under Section 357(3) of Cr.P.C., Thereafter, petitioner filed appeal and miscellaneous petition in Crl.A.No.155 of 2022 and Crl.M.P.No.2065 of 2022 against the judgement made in S.T.C.No.212 of 2018. However, the learned Principal Sessions Judge, Tiruppur passed order of suspension imposing the following conditions.

Petitioner is suspended till the disposal of the appeal on condition that the petitioner shall execute a bond for Rs.10,000/- with two sureties each for the like sum to the satisfaction of the learned Judicial Magistrate, Fast Track Court, Tiruppur and with a further condition that the petitioner shall deposit 20% of the compensation awarded by the trial Court within 15 days from the date of this order, on failure to do so, the petition shall stand dismissed. The trial Court shall ensure that the 20% compensation deposit is paid by the petitioner within the stipulated time, if not the trial Court has to report the non-compliance and shall proceed further to secure the accused.



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3. Considering the fact that the cheque amount is of Rs.15,20,280/-, this

Court does not find any good reason to interfere with the order passed by the learned Principal Sessions Judge, Tiruppur in Crl.M.P.2065 of 2022 in Crl.A.No.155 of 2022. Therefore, petitioner is directed to pay 20% of the compensation deposit within a period of four weeks from the date of receipt of copy of the order.

4. With the above observations and directions, this Criminal Original Petition is disposed of.

10.03.2023

sma

Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

1.Principal Session Judge, Tiruppur.

2. Judicial Magistrate, Fast Track Court, Tiruppur

3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
sma

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