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Crl.O.P.No.25673 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25673 of 2023

L.Anto Stalin

... Petitioner

-VS-

N.Baskaran

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order dated 21.09.2023 passed by the Principal Sessions Judge, Vellore in Crl.MP. No.3670 of 2023 in C.A. No.132 of 2023 in C.C. No.30 of 2021 on the file Judicial Magistrate No.II, Walajahpet.

For Petitioner

: Mr.A.Balasingh Ramanujam

ORDER

The petitioner herein found guilty for offence under Section 138 of the Negotiable Instruments Act, 1881 who was sentenced to undergo two months Simple Imprisonment and pay compensation of Rs.6,50,000/- being the cheque



amount along with interest at a rate of 7% per annum from the date of realization. One month time was granted to pay the compensation amount, in default two weeks Simple Imprisonment.

2. Aggrieved by the judgment of the trial Court in C.C. No.30 of 2021 on the file of the learned Judicial Magistrate No.II, Walajahpet, the petitioner herein preferred an Appeal before the learned Principal Sessions Court which was taken on file in as C.A. No.132 of 2023, since he filed an application for suspension of sentence after the expiry of the prescribed period of 30 days, hence the same was not entertained by the appellate Court, being aggrieved, the present petition is filed.

3. This Court on perusing the impugned order of the learned Principal Sessions Judge, Vellore does not find any procedural or legal error. However, the learned counsel for the petitioner herein submits that the petitioner/appellant is ready to deposit 20% of the cheque amount as contemplated under Section 148 of the Negotiable Instruments Act, 1881, therefore, he may be permitted to deposit the amount to the credit of C.C. No.30 of 2021 on the file of the learned Judicial Magistrate No.II, Walajahpet, on such deposit, the application for suspension of sentence be considered.

4. The learned counsel appearing for the petitioner also submits that the



District Judge made over the Criminal Appeal to the learned II Additional District Judge, Ranipet. Considering the submissions, this Criminal Original Petition is disposed of with the following terms:

(i) The petitioner herein shall deposit a sum of Rs.1,30,000/- to the credit of C.C. No.30 of 2014 on the file of the learned Judicial Magistrate No.II, Walajahpet, within a period of two weeks from today.

(ii) The petitioner shall appear before the learned II Additional District Judge, Ranipet and seeks for suspension of sentence along with proof of deposit of Rs.1,30,000/- as per the condition No.(i). On such presentation, the learned II Additional District Judge, Ranipet shall consider the application and pass appropriate orders in accordance with law.

09.11.2023

Internet : Yes/No

Index : Yes/No

rkp

Note: Issue order copy 10.11.2023

To

1. The Judicial Magistrate No.II, Walajahpet.

2.The II Additional District Judge, Ranipet.

3. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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