



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1854 of 2024

Nand Kishor Singh

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Ketti Police Station,
Udhagamandalam.
Crime No.81 of 2020

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside order dated 11.12.2023 passed in Crl.M.P.No.1187 of 2023 in C.A.No.90 of 2023 on the file of the Court of Sessions Division of the Nilgris District at Udhagamandalam.

For Petitioner : Mr.C.D.Sugumar
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging one of the condition imposed by the Court below while passing order in Crl.M.P.No.1187 of 2023 dated 11.12.2023, wherein, while suspending the sentence, the Court below ordered the petitioner to pay a compensation of Rs.1,00,000/- (Rupees One Lakh only) to the defacto complainant.



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2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent.

3. The petitioner was convicted for offence under Section 304 (A) of IPC and was sentenced to undergo one year simple imprisonment and to pay a compensation of Rs.1,00,000/- (Rupees One Lakh only) to PW1 within one month from the date of the order. Aggrieved by this judgment passed by the learned Judicial Magistrate, Coonoor in C.C.No.53 of 2021, dated 27.11.2023, the petitioner filed an appeal before the Court below in C.A.No.90 of 2023.

4. The petitioner also filed an application for suspension of sentence pending disposal of the appeal. The Court below allowed this application subject to certain conditions. The petitioner is aggrieved by one such condition imposed by the Court below to the effect that the petitioner must pay the compensation of Rs.1,00,000/- (Rupees One Lakh only) to PW1, within a period of one month, failing which, he must surrender before the Trial Court.

5. Taking into consideration the facts and circumstances of the case and the materials available on record, this Court is inclined to modify the above condition imposed by the Court below and there shall be a direction to the petitioner to deposit



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a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) on the file of C.C.No.53 of 2021 before the learned Judicial Magistrate Court, Coonoor, within a period of four weeks from the date of receipt of copy of this order. The other conditions imposed by the Court below shall stand as it is.

6.This criminal original petition is disposed of in the above terms.

02.02.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr

Note:Issue Order Copy on 05.02.2024

To

- 1.The Court of Sessions Division of the Nilgris District at Udhagamandalam.
- 2.The Inspector of Police,
Ketti Police Station,
Udhagamandalam.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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