



Criminal Original Petition No.5185 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.5185 of 2024

A.Alangaramary,
W/o.Adaikal Raj

... Petitioner

Vs.

M.Chithiraipandian,
S/o.Muthu Nadar

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the conditions imposed for suspension of execution of sentence passed by the Hon'ble Principal Sessions Court of Chengalpattu of Kanchipuram District in M.P.No.1 of 2023 in Crl.A.No.114 of 2023 on 21.12.2023.

For Petitioner : Mr.Koviramalingam

ORDER

This Criminal Original Petition has been filed challenging one of the condition that was imposed by the Court below while granting suspension of sentence directing the petitioner to deposit 20% of the cheque amount within a period of 60 days.



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

3. The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act and was sentenced to undergo eleven months simple imprisonment and to pay compensation of Rs.70,00,000/- in default to undergo two months simple imprisonment. Aggrieved by the same, the petitioner filed CrI.A.No.114 of 2023. The petitioner also filed an application seeking for suspension of sentence. The Court below suspended the sentence by order dated 21.12.2023 by imposing certain conditions. One of the condition was that the petitioner should deposit 20% of the cheque amount before the trial Court. The petitioner is aggrieved with this condition imposed by the Court below.

4. Taking into consideration the facts and circumstances of the case and the defence that has been raised by the petitioner and the findings that have been rendered by the trial Court in this regard and also the ground that has been raised in the criminal appeal, this Court is inclined to modify the condition imposed by the Court below.



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5. There shall be a direction to the petitioner to deposit 10% of the cheque amount before the Court below within a period of sixty (60) days from today. It is made clear that if this amount is not deposited within the time frame fixed by this Court, the suspension order granted by the Court below will stand automatically withdrawn and the petitioner can be secured to undergo the sentence imposed by the trial Court.

This Criminal Original Petition is disposed of in the above terms.

08.03.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

The Principal Sessions Court,
Chengalpattu, Kanchipuram District.



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N.ANAND VENKATESH, J.

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