



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.2618 of 2024

S.Saravana Kumar

...Petitioner

Vs.

1.M.Amsaveni

2.State Rep. by:

The Public Prosecutor
Combined Court building,
Tiruppur.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside and modify the condition, order dated 18.01.2024 passed in Crl.M.P.No.1 of 2024 in C.A.No.19 of 2024 on the file of the Principal Sessions Judge, Tiruppur.

For Petitioner : Mr.K.Venkateswaran

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor for R2

ORDER

This criminal original petition has been filed challenging the condition imposed by the Court below while allowing the application filed for suspension of sentence pending in C.A.No.19 of 2024.



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2.This Court has carefully considered the submissions made by the learned counsel for the petitioner and the materials available on record.

3.The petitioner has been convicted for offence under Section 138 of the Negotiable Instruments Act and has been sentenced to undergo six months simple imprisonment and directed to pay the cheque amount as compensation. The petitioner aggrieved by the judgment passed by the learned Judicial Magistrate, Palladam, dated 11.12.2023, filed an appeal before the Court below in C.A.No.19 of 2024.

4.The petitioner also filed an application for suspension of sentence pending disposal of the criminal appeal. The Court below was pleased to suspend the sentence by order dated 18.01.2024, by imposing certain conditions. The petitioner is aggrieved by the condition imposed by the Court below to the effect that the petitioner should deposit 20% of the compensation amount. Aggrieved by this condition, the present criminal original petition has been filed before this Court.

5.Considering the facts and circumstances of the case and the nature of defence that has been taken by the petitioner and also of the fact that there is an arguable point for the petitioner in the criminal appeal, this Court is inclined to modify the condition imposed by the Court below to the effect that the petitioner shall deposit a sum of



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Rs.2 Lakhs, within a period of forty five days from today. The other conditions imposed by the Court below shall stand as it is. It is made clear that if the petitioner does not comply with the condition imposed by this Court, it is left open to the Court below to recall the suspension order passed and to secure the petitioner and make the petitioner undergo the sentence imposed by the Trial Court.

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

12.02.2024

Index: Yes/No

Internet: Yes/No

ssr

Note: Issue order copy on 13.02.2024

To

1.The Public Prosecutor
Combined Court building,
Tiruppur.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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