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Crl.O.P.No.7714 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:26.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7714 of 2024

N.Basheer Ahmed

.. Petitioner

/versus/

C.Anandan

.. Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the order dated 02.03.2024 in Crl.M.P.No.6694 of 2024 in Crl.A.No.170 of 2024 on the file of the Principal Sessions Court at Chennai.

For Petitioner :Mr.S.Krishnamoorthy

ORDER

The petitioner, who is appellant in Crl.A.No.170 of 2024 is before this Court seeking modification of the condition imposed by the lower appellate Court for suspending the sentence.



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2. According to the petitioner, the employer under him had misused the signed cheque kept with him. He was prosecuted under Section 138 of Negotiable Instruments Act, 1881. The trial Court failed to consider the defence taken by the petitioner and had convicted him for issuing the cheque without funds. Against the said order of conviction, he has preferred an appeal and sought for suspension of sentence. The lower appellate Court has imposed condition to deposit 20% of the compensation amount within 20 days. Expressing his difficulty in mobilising Rs.8,80,000/- which is 20% of the compensation amount, he seeks modification of the condition.

3. The Court, taking note of the fact that the petitioner has no source of income, after his business has been wound up, reduce the condition of depositing 20% of the compensation amount in to 10% (i.e Rs.4,40,000/-). The deposit should be made on or before 15.05.2024.



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4. With the above observation, this Criminal Original Petition is disposed of.

26.04.2024

Index:yes/no
Speaking order/non speaking order
Netural citation:yes/no
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To

The Principal Sessions Court at Chennai.



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DR.G.JAYACHANDRAN,J

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