



WEB COPY



Crl.OP.No. 8314 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.8314 of 2024

and

Crl.MP.No.6079 of 2024

Musthafa

... Petitioner

Vs.

Mohammed Ismail

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the condition No.(i) imposed in Crl.MP.No.331 of 2024 dated 25.03.2024 in Crl.Appeal No.10 of 2024 on the filed of the learned Principal District and Sessions Judge, Perambalur, as illegal.

For Petitioner : Mr.S.Vasanth

ORDER

The petitioner herein found guilty for the offence under Section 138 of Negotiable Instruments Act for issuing check for a sum of Rs.10,00,000/- without fund in his account. The trial Court had sentenced him to undergo six months simple imprisonment and to pay a



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sum of Rs.10,00,000/- as compensation within a period of two months from the date of judgment. Failing which, to undergo two months imprisonment . The said judgment was pronounced on 22.01.2024.

2. The petitioner has preferred the appeal against the said judgement and the same has been taken on file by the learned Principal District-Cum Sessions Judge, Perambalur in Crl.A.No.10 of 2024, along with his appeal he has also sought for suspension of sentence. The Lower Appellate Court had allowed the application for suspension of sentence on condition to deposit 20% of the compensation amount as per Section 148 of Negotiable Instruments Act. The said condition is now been challenged in this criminal original petition.

3. This Court after going through the materials available on records to proceed against the petitioner finds that there is no reason to interfere in the conditional order. Hence, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Vv

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To

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1. The Principal District and Sessions Judge,
Perambalur
2. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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