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Crl.O.P.No.10038 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.10038 of 2024

V.Raman

... Petitioner

Vs.

1.The State Rep.by
The Inspector of Police,
CCB, EDF-I, Team-2,
Vepery, Chennai.
(Crime No.422 of 2014)

2.Prabhakaran

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order passed in Crl.M.P.No.1527 of 2024 in C.A.No.34 of 2024 dated 12.01.2024 on the file of the (Principal Sessions Judge), XX Additional Sessions Court, Chennai and consequently cancel the bail to the 2nd respondent.

For Petitioner : Mr.C.Prakasam

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner herein is the defacto complainant in C.C.No.3536 of 2020 convicted the accused, sentenced to undergo 3 years R.I and fine of Rs.5,000/-, in default 3 months R.I., in addition, to pay compensation of Rs.65,00,000/-.

2. The accused has preferred appeal before the Sessions Court and also sought for suspension of sentence after paying the fine amount. The trial Court has granted suspension of sentence pending appeal.

3. This Criminal Original Petition is filed by the defacto complainant stating that the suspension of sentence granted by the trial Court has to be cancelled, since the condition order of payment of compensation of Rs.65,00,000/- not been complied. The order of the trial Court dated 12.01.2024 granting suspension of sentence is silent about the conditional order of paying Rs.65,00,000/- as compensation within a period of three months. The three months period lapsed on 18.03.2024, whereas, the suspension of sentence order passed prior to that. If the



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compensation amount is not paid and if the lower appellate Court feels that there cannot be any stay of the conditional order, it is for the petitioner herein to move the lower appellate Court for enforcing the order of the trial Court in respect of payment of compensation. The petition to cancellation of bail cannot be maintainable. Hence this Criminal Original Petition is dismissed.

26.04.202

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The XX Additional Sessions Court, Chennai

2.The Inspector of Police,
CCB, EDF-I, Team-2,
Vepery, Chennai.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

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