



WEB COPY



Crl.O.P.No.8625 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.8625 of 2024

and

Crl.M.P.No.6254 of 2024

S.Santhakumar

... Petitioner

Vs.

G.Karthikeyan

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 18.03.2024 passed in Crl.M.P.No.8240 of 2024 on the file of the learned Principal Sessions Judge, Court of Sessions at Chennai insofar as it relates to 20% deposit of the compensation amount.

For Petitioner : Mr.K.Sakthivel

ORDER

The petitioner herein is the appellant before the Principal Sessions Judge, Chennai in Crl.A.No.216 of 2024, along with the appeal, the petitioner has filed petition for suspension of sentence. The lower appellate Court has allowed the petition on 18.03.2024, on condition that



CrI.O.P.No.8625 of 2024

the petitioner should pay 20% of the compensation as per Section 148 of Negotiable Instruments Act.

2. The learned counsel appearing for the petitioner states that the entire cheque amount been paid through bank and the bank statements been marked as Ex.D1 and Ex.D2. However, the trial Court has failed to consider those payments and also failed to discuss why the bank statement should not be relied upon. Therefore, seeks an order of suspension of sentence without precondition of paying 20% of the cheque amount.

3. This Court, on perusing impugned judgment of the trial Court, finds that there is some grave area regarding the discussion of Ex.D1 and Ex.D2. However, it is the lower appellate Court to appreciate the evidence on facts as well as law. Therefore, in order to secure the ends of justice, condition to deposit 20% of the compensation amount is modified to 10% of the compensation amount to be paid within 30 days from the date of this order. On such payment, the order of suspension of sentence shall continue or else it shall stands cancelled.



Crl.O.P.No.8625 of 2024

4. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

08.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

The Principal Sessions Judge, Court of Sessions, Chennai.

Dr.G.JAYACHANDRAN,J.

rpl



WEB COPY



Crl.O.P.No.8625 of 2024

Crl.O.P.No.8625 of 2024

08.04.2024