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CrI.O.P.No.11301 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM:

THE HONOURABLE Mr. JUSTICE K.KUMARESH BABU

CrI.O.P.No.11301 of 2024

S.Sekar

... Petitioner

Vs.

M/s.P.C.Choudhary & Sons
Rep.by its Kartha
Mr.Padam Chand Choudary
Rep.by his Power Agent
Mr.S.Nilesh Kadel
No.11/12, Kandappa Mudali Street
Sowcarpet
Chennai 600 001.

...Respondent

Prayer: Criminal Original Petition filed 482 of the Criminal Procedure Code, 1973, to call for the records pertaining to orders in CrI.M.P.No.5741 of 2024 in C.A.No.142 of 2024 dated 23.02.2024 on the file of the Principal Sessions judge, Chennai and set aside the same in so far as it directs the petitioner to deposit the 20% of the compensation imposed in STC.No.210 of 2022 dated 30.01.2024 on the file of Metropolitan Magistrate/Fast Track Court-I, Egmore @ Allikulam, Chennai 600 003.



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For Petitioner : Mr.S.Kamadevan

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below in Crl.M.P.No.5741 of 2024 in C.A.No.142 of 2024 dated 23.02.2024.

2. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, FTC- I, Egmore @ Allikulam, Chennai-03, through the judgment dated 30.01.2024 and sentenced to undergo one year simple imprisonment and to pay double the cheque amount as fine within one month, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner filed an appeal in C.A.No.142 of 2024 on the file of the Principal Sessions Judge, Chennai, along with the application seeking for suspension of sentence. The Lower Appellate Court ordered the application on condition that the petitioner shall deposit 20% of the compensation amount to the credit



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of S.T.C. Aggrieved by the same, the present petition has been filed before this Court.

3. Taking into consideration of the facts and circumstances of the case, this Court disposes of the present petition with the following modification:

the petitioner shall deposit 10% of the compensation amount fixed by the trial Court within a period of 60 days, to the credit of STC.No.210 of 2022 on or before 05.06.2024:

08.05.2024

Index : Yes / No
Internet : Yes / No
dna

To

- 1.The Principal Sessions judge, Chennai.
- 2.The Metropolitan Magistrate/Fast Track Court-I,
Egmore @ Allikulam, Chennai 600 003.

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K.KUMARESH BABU, J.
dna

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