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Crl.O.P.No.11105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM:

THE HONOURABLE Mr. JUSTICE K.KUMARESH BABU

Crl.O.P.No.11105 of 2024

R.Palani

... Petitioner

Vs.

S.Boopathi

...Respondent

Prayer: Criminal Original Petition filed 482 of the Criminal Procedure Code, 1973, to set aside and modify the impugned order dated 06.02.2024 made in Crl.M.P.No.662 of 2024 in Criminal Appeal No.13 of 2024 by the Principal District & Session Judge, Tiruvallur imposing to deposit 20% of the compensation amount to the credit of STC.No.781 of 2019 for suspension of sentence passed in STC.No.781 of 2019 by the Fast Track Court (Magisterial Level), at Poonamallee.

For Petitioner : Mr.L.Gavaskar



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ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below in Crl.M.P.No.662 of 2024 in Criminal Appeal No.13 of 2024 dated 06.02.2024.

2. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act by the learned Judicial Magistrate, Fast Track Court, Poonmallee, through the judgment dated 17.11.2023 and sentenced to undergo one month simple imprisonment and directed to pay Rs.15,00,000/- within one month as compensation, in default, to undergo one week simple imprisonment. Aggrieved by the same, the petitioner filed an appeal in C.A.No.13 of 2024 on the file of the Principal District & Sessions Judge, Tiruvallur 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 of S.T.C. Aggrieved by the same, the present petition has been filed before this Court.



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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.781 of 2019 on or before 03.06.2024.

08.05.2024

Index : Yes / No
Internet : Yes / No
dna

To

- 1.The Principal District & Session Judge, Tiruvallur
- 2.The Judicial Magistrate, Fast Track Court
(Magisterial Level), at Poonamallee.



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K.KUMARESH BABU, J.
dna

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