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Crl.O.P.No.11154 of 2023

In the High Court of Judicature at Madras

Dated : 11.1.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.11154 of 2023

Ramkumar

...Petitioner

Vs

1.Ramachandran

2.The State rep.by
the Public Prosecutor,
Tiruppur.

...Respondents

PETITION under Section 482 of the Criminal Procedure Code to set aside the order in C.M.P.No.567 of 2023 in Crl.A.No.94 of 2023 on the file of the Principal Sessions Judge, Tiruppur dated 21.3.2023 consequently to the extent of imposition of deposit of 20% of the compensation amount.

For Petitioner	:	Mr.S.Louis
For R1	:	Mr.G.Thyagarajan
For R2	:	Mr.A.Gopinath, GA (Crl.Side)

ORDER

This is a petition filed by the petitioner challenging the condition



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imposed by the Principal Sessions Court, Tiruppur (for short, the Court below) directing the petitioner to deposit 20% of the cheque amount by suspending the sentence imposed by the Trial Court.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the first respondent and the learned Government Advocate (Criminal Side) appearing for the second respondent.

3. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced by the Trial Court to undergo two years simple imprisonment and to pay the cheque amount as compensation and in default, to undergo further six months simple imprisonment. Aggrieved by the judgment of the Trial Court, the petitioner filed an appeal before the Court below in Crl.A. No.94 of 2023. Along with the appeal, the petitioner also filed C.M.P. No.567 of 2023 seeking for suspension of sentence. The Court below, on considering the facts and circumstances of the case and the judgment rendered by the Trial Court, was pleased to suspend the sentence by imposing a condition that the petitioner should deposit 20% of the cheque amount before the Trial Court. Aggrieved by the



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condition imposed by the Court below, the petitioner is before this Court.

4. In the considered view of this Court, the Court below has not assigned any reasons as to why the petitioner should deposit 20% of the cheque amount. The total compensation in the three complaints that were filed against the petitioner works out to nearly Rs.60 lakhs. Since 20% of the said amount will be Rs.12 lakhs, this Court is inclined to reduce the percentage of compensation to be deposited before the Trial Court.

5. The learned counsel for the petitioner submits that during the pendency of this petition before this Court, the case has been made over to the file of the Additional District Court, Udumalpet.

6. In the light of the above discussions, the condition imposed by the Court below is modified and the petitioner is directed to deposit 10% of the compensation amount before the Trial Court within a period of four weeks from the date of receipt of a copy of this order. If the petitioner fails to deposit the amount within the time stipulated by



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this Court, it is left open to the Additional District Court, Udumalpet to secure the petitioner and make him undergo the sentence imposed by the Trial Court. There shall be a direction to the Additional District Court, Udumalpet to complete the proceedings in the criminal appeal that has been made over within a period of three months from the date of receipt of a copy of this order.

7. The above criminal original petition is disposed of with the above directions.

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To
1.The Principal Sessions Court,
Tiruppur.
2.The Additional District Court,
Udumalpet
3.The Judicial Magistrate No.1,
Udumalpet.
4.The Public Prosecutor,
Tiruppur.
5.The Public Prosecutor,
High Court, Madras.

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N.ANAND VENKATESH,J

RS

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