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CrI.O.P.No.30358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.30358 of 2024

E.Venkatesan

... Petitioner

Vs.

Murugesan

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the conditional order passed in CrI.M.P.No.2430 of 2024 in C.A.No.45 of 2024 on the file of the Principal Sessions Judge, Sessions Division, Vellore dated 01.10.2024 that the petitioner is directed to deposit a sum of Rs.4,80,000/- towards that 30% of the compensation amount before the Judicial Magistrate, Gudiyattam within two months.

For Petitioner : Mr.B.Gopalakrishnan
for Mr.D.A.Sugumar

ORDER

Challenging the conditional order dated 01.10.2024 passed in



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Crl.M.P.No.2430 of 2024 in C.A.No.45 of 2024 on the file of the Principal Sessions Judge, Sessions Division, Vellore, the present petition is filed by the petitioner/accused.

2. The petitioner herein was found guilty by the learned Judicial Magistrate, Gudiyattam, in C.C.No.198 of 2018, for an offence under Section 138 of Negotiable Instruments Act and sentenced him to undergo one year rigorous imprisonment and to pay a sum of Rs.16,00,000/- as compensation to the complainant within 30 days, in default, to undergo further three months' simple imprisonment. Aggrieved by the same, he preferred an appeal before the learned Principal Sessions Judge, Sessions Division, Vellore in C.A.No.45 of 2024. Along with the appeal, he has preferred an application seeking suspension of sentence in Crl.M.P.No.2430 of 2024. The lower appellate Court, vide order dated 01.10.2024, suspended the sentence on condition that the petitioner/accused shall deposit 30% of the compensation amount within two months and other conditions. The said order is under challenge in this Criminal Original Petition.



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3. The learned counsel appearing for the petitioner adverting to the merits of the appeal sought for modification of the conditional order. He further submitted that now the petitioner is ready to deposit 20% of compensation amount.

4. This Court, on considering the undertaking given by the petitioner, modified the condition to deposit 30% of the compensation amount to 20% of the compensation amount to be paid by the petitioner to the credit of C.C.No.198 of 2018 on the file of the Judicial Magistrate, Gudiyatham, within 30 days i.e., on or before 03.01.2025.

5. With the above direction, this Criminal Original Petition is disposed of.

04.12.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Principal Sessions Judge,
Sessions Division, Vellore.
2. The Judicial Magistrate,
Gudiyatham.



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P.VELMURUGAN, J

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