



Crl.O.P.(MD)No.1796 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.1796 of 2024

Christopher

... Petitioner

Vs

1.M.Chenthil Deepu

2.The State of Tamil Nadu,
Rep by the Public Prosecutor,
Nagercoil,
Kanniyakumari District.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Learned Principal Sessions Judge, Kanyakumari District at Nagercoil to take on file unnumbered Crl.M.P.No. of 2023 in S.R.No.5663/2023 in connection with C.A.No. 9 of 2023 and proceed in accordance with law.

For Petitioner
For R2

: Mrs.A.Banumathy.
: Mr.M.Sakthi Kumar,
Government Advocate (Crl.side)

ORDER

The petitioner, a convict in STC No.74 of 2020, on the file of the Judicial Magistrate Court, FTC, Nagercoil has filed this Criminal



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Original Petition to direct the learned Principal District and Sessions Judge, Kanyakumari District at Nagercoil to take on file the unnumbered Crl.M.P.No. of 2023 in S.R.No.5663/2023 in connection with C.A.No.9 of 2023.

2.The petitioner, who is a convict in the proceedings, which was initiated under Section 138 of NI Act has preferred an appeal in C.A.No.9 of 2023, challenging the Judgment passed in STC No.74 of 2020. In the meantime, he has also filed an application in Crl.MP.No. 1145 of 2023 in C.A.No.9 of 2023, sought for suspension of sentence and the same was ordered on 07.08.2023, directing the petitioner to deposit 20% of the total compensation amount, imposed by the trial Court within a period of 60 days from the date of that order. Further condition has also been imposed on the petitioner that he has to execute a bond for a sum of Rs.10,000/-, with two sureties before the Judicial Magistrate, Fast Track Court, Nagercoil. However, he has not complied with the conditions and filed an application, seeking extension of time, which was returned by the Sessions Court. Therefore, the petitioner is before this Court.



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3.The learned counsel appearing for the petitioner submits that he was suffered with "ischemic heart disease" and therefore, he could not comply with the conditions, as directed by the Sessions Court in Crl.MP.No.1145 of 2023 in C.A.No.9 of 2023, dated 07.08.2023. Therefore, a suitable direction may be issued to the Sessions Court to consider his application for suspension of sentence.

4.This Court considered the submissions made on behalf of the petitioner and also perused the order impugned.

5.Admittedly, the petitioner is a convict in STC No.74 of 2020 before the Judicial Magistrate, Fast Track Court, Nagercoil. He filed an application in Crl.MP.No.155 of 2023, before the Judicial Magistrate, Fast Track Court, Nagercoil, sought for suspension of sentence and it was suspended till 03.02.2023. Thereafter, the petitioner has filed an appeal in C.A.No.9 of 2023, before the Principal Sessions Judge, Kanyakumari District, challenging the Judgment of the trial Court in STC No.74 of 2020. In the meantime, the petitioner has



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also moved an application for suspension of sentence before the first appellate Court and the same was allowed with certain conditions. The petitioner claims that due to his health issues, he could not comply with the conditions as directed by the Principal Sessions Judge, Kanyakumari District and therefore, the application filed by the petitioner has been closed by the learned Principal Sessions Judge, Kanyakumari on the ground of non-compliance of the conditions within the stipulated time.

6.This Court is of the view that for non-compliance of the order, the petitioner cannot find fault with the Sessions/first Appellate Court. Therefore, this Court is not inclined to entertain this petition. The petitioner has already preferred an appeal in C.A.No.9 of 2023 and the same is pending before the Principal Sessions Judge, Kanyakumari District. The petitioner is liable to pay 25% of the total compensation amount, imposed by the trial Court, in C.A.No.9 of 2023. The first Appellate Court shall endeavour to conclude the proceedings in C.A.No.9 of 2023 as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of this order.



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7.With the above direction, this Criminal Original petition
is disposed of.

15.07.2024

NCC : Yes/No
Index : Yes/No
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To

- 1.The Principal District Sessions Judge,
Kanyakumari District at Nagercoil.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
CrI.OP(MD)No.1796 of 2024

15.07.2024