



Crl.O.P.(MD)No.8741 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.8741 of 2022
and Crl.M.P(MD).No.6072 of 2022

M.Rajendran

... Petitioner

Vs.

R.Jeyaganesh

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside and relax the condition directing the petitioner to deposit an amount of Rs.1,60,000/- imposed in Crl.M.P.No.11/2022 dated 29.03.2022 in C.A.No.12/2022 on the file of the Principal District Court, Tuticorin District.

For petitioner : Mr.KA.Raamakrishnan

For Respondent : Mr.S.Ponsenthilkumaran

ORDER

This Criminal Original Petition has been filed to call for the records relating to the order passed in Crl.M.P.No.11/2022 in C.A.No.12/2022, dated 29.03.2022, by the learned Principal District Judge, Tuticorin and set aside the same insofar the condition imposed on



the petitioner that he shall deposit 20% of the compensation amount (i.e.,) Rs.1,60,000/- before the trial Court within two months from the date of this order.

2.The learned counsel appearing for the petitioner submits that the respondent/complainant filed a complaint before the trial Court under Section 138 of the Negotiable Instrument Act in C.C.No.32 of 2018 against the petitioner and after trial, the trial Court convicted the petitioner for a term of one year and two months and directed the petitioner to pay a sum of Rs.8,00,000/-. Aggrieved by the same, the petitioner has filed an appeal before the learned Principal District Judge, Tuticorin, in C.A.No.12 of 2022, wherein the petitioner has filed a petition under Section 389(1) Cr.P.C in Crl.M.P.No.11 of 2022 to suspend the sentence imposed on the petitioner in C.C.No.32/2018 dated 01.12.2021. The learned Principal District Judge, Tuticorin, allowed the suspension of sentence petition, imposing an onerous condition on the petitioner that the petitioner shall deposit 20% of the compensation amount (i.e.,) Rs.1,60,000/- before the trial Court within two months from the date of this order. Aggrieved by the same, this Criminal Original Petition has been filed.



3.The learned counsel appearing for the respondent submits that the petitioner has borrowed a sum of Rs.8,00,000/- from the respondent, however, he has not repaid the said amount. Hence, the respondent has made a complaint before the trial Court and the trial Court convicted the petitioner, against which, he preferred an appeal, in which, a petition for suspending the sentence was also filed. While suspending the sentence, the trial Court has imposed a condition on the petitioner to deposit a sum of Rs.1,60,000/-, which is not onerous condition. Hence, he prays for dismissal of this petition.

4. It appears that the petitioner has preferred an appeal in C.A.No.12 of 2022 before the learned Principal District Judge, Tuticorin, as against the judgment passed in C.C.No.32 of 2018 dated 01.12.2021 by the Fast Track Court (Magistrate Level), Kovilpatti, convicting the petitioner to undergo one year and two months rigorous imprisonment and to repay the cheque amount of Rs.8,00,000/-, wherein, he has filed Crl.M.P.No.11 of 2022 for suspending the sentence. The learned Principal District Judge, Tuticorin has also allowed the suspension of sentence petition imposing a condition on the petitioner to deposit only a sum of Rs.1,60,000/- before the trial Court and it is not an onerous condition and does not warrant any interference by this Court.



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5. Accordingly, this Criminal Original Petition is dismissed.

Connected miscellaneous petition is closed.

08.02.2024

Index : Yes/No

Internet : Yes/No

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To

The Principal District Court, Tuticorin District.



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M.DHANDAPANI. J.

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