



Crl.O.P.No.14162 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.14162 of 2023

B.Chandran

... Petitioner

Vs

1. C.B.Bellie

2. The State of Tamilnadu

Rep.By Public Prosecutor of Nilgiris,
Udhagamandalam.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of CrI.P.C/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to modify the condition imposed on “3(ii) that the petitioner/Appellant/Accused should deposit a sum of Rs.1,50,000/- towards the part of compensation amount before the Judicial Magistrate, Udhagamandalam within two months from the date of this order on or before 22.05.2023” in CrI.M.P.No.323 of 2023 in C.A.No.31 of 2023 dated 20.03.2023 passed by the learned Sessions Judge, Udhagamandalam.

For Petitioner : No appearance

For R2 : Mr.R.Vinothraja
Government Advocate (Crl.side)



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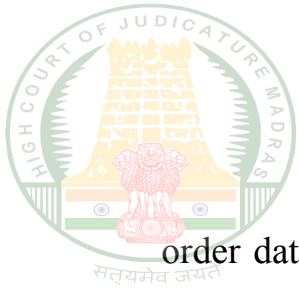
ORDER

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This petition has been filed to modify the condition imposed in Paragraph “3(ii) that the petitioner/Appellant/Accused should deposit a sum of Rs.1,50,000/- towards the part of compensation amount before the Judicial Magistrate, Udhagamandalam within two months from the date of this order on or before 22.05.2023” in Crl.M.P.No.323 of 2023 in C.A.No.31 of 2023 dated 20.03.2023 passed by the learned Sessions Judge, Udhagamandalam.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The petitioner is an accused in the complaint lodged by the first respondent for the offence punishable under Section 138 of Negotiable Instruments Act in S.T.C.No.1451 of 2021 on the file of the Trial Court. After fulfilled Trial, the Trial Court convicted the petitioner under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months simple imprisonment and also to pay a compensation to the tune of cheque amount. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.31 of 2023 along with a petition for suspension of sentence in Crl.M.P.No.323 of 2023 on the file of the Sessions Judge, Udhagamandalam. The Appellate Court, by an



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order dated 20.03.2023 suspended the sentence, on condition to deposit a sum of Rs.1,50,000/- towards the part of compensation amount before the Judicial Magistrate, Udthagamandalam within two months from the date of the order viz., on or before 22.05.2023. However, the petitioner is unable to comply with the condition within the time fixed by the appellate Court.

4. This Court finds no grounds to interfere in the order passed by the Appellate Court in Crl.M.P.No.323 of 2023 in C.A.No.31 of 2023 dated 20.03.2023.

5. Accordingly, this Criminal Original Petition is dismissed.

05.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Sessions Judge, Udhagamandalam.
2. The Public Prosecutor of Nilgiris,
Udhagamandalam.
3. The Public Prosecutor,
High Court, Madras.

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05.02.2025