



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7636 of 2021

P.Prabhakaran

... Petitioner

Vs.

P.Udhayakumar

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to allow the above Criminal Original Petition by setting aside the order dated 11.02.2021 passed in Crl.M.P.No.175 of 2021 in C.A.No.15 of 2021 on the file of the Principal Sessions Court, Namakkal in so far as it relates to the condition of depositing a sum of Rs.12,00,000/- being 20% of the compensation amounts towards the part compensation amount is concerned.

For Petitioner : Mr.K.Govi Ganesan

O R D E R

The Criminal Original Petition filed to allow the above Criminal Original Petition by setting aside the order dated 11.02.2021 passed in Crl.M.P.No.175 of 2021 in C.A.No.15 of 2021 on the file of the Principal Sessions Court, Namakkal in so far as it relates to the condition of depositing a sum of Rs.12,00,000/- being 20% of the compensation amounts towards the part compensation amount is concerned.

2.The petitioner/accused in C.C.No.94 of 2018 facing trial for the offence under Section 138 of Negotiable Instruments Act. The respondent is the complainant. On completion of trial, the trial Court found the petitioner guilty by Judgment dated 10.12.2020 and sentenced him to undergo two years Rigorous Imprisonment and also directed him to pay the cheque amount of



Rs.60,00,000/- (Rupees Sixty Lakh Only) as compensation. Aggrieved against the same, the petitioner had filed an appeal before the Principal Sessions Judge, Namakkal in C.A.No.15 of 2021. Along with the appeal the petitioner had filed a petition in CrI.M.P.No.175 of 2021 seeking suspension of sentence. The lower appellate court by order dated 11.02.2021, had directed the petitioner to deposit 20% of the compensation amount before the trial court, within 60 days. Aggrieved by the said condition, the petitioner has filed this Criminal Original Petition seeking to set aside the order of the lower appellate court in directing him to deposit Rs.12,00,000/- being the 20% of the compensation amount.

3.The petitioner though given several adjournments, now express his inability to mobilize the fund of Rs.12,00,000/- i.e. 20% of the compensation amount. This 20% of the compensation is to be paid as per Section 148 of Negotiable Instruments Act, which cannot be modified.

4.In view of the above, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Principal Sessions Court,
Namakkal.

+1cc to Mr.Mr.K.Govi Ganesan , Advocate, S.R.No.35118

CrI.O.P.No.7636 of 2021

SKY(CO)
CT(09/08/2021