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Crl.O.P.Nos.7129 & 7130 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.7129 & 7130 of 2023

Simi Mohan @ Simi Suresh

.... Petitioner in Crl.O.P.No.7129 of 2023

G.Suresh

.... Petitioner in Crl.O.P.No.7130 of 2023
Vs

Arjun Amaravathi Chits Private Ltd.,
Rep by Power Agent V.S.Sugumar,
S/o.V.R.A.Sundaram,
Old No.164, New No.334,
Singapore Plaza, Lingi Chetti Street,
Chennai.

... Respondent in both Crl. O.P's

PRAYER in Crl.O.P.No.7129 of 2023: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the conditional order dated 23.02.2023 that the condition to deposit 20% of the Total compensation amount to the credit of C.C.No. Within 60 days from the date of the order passed in Crl.M.P.No.4335 of 2023 in C.A.No.75 of 2023 on the file of III Additional Session Judge, in charge Principal Sessions Court, Chennai against C.C.No.3173 of 2016 on the file of the VII Metropolitan Magistrate George Town, Chennai.

PRAYER in Crl.O.P.No.7130 of 2023: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the conditional order dated



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23.02.2023 that the condition to deposit 20% of the Total compensation amount to the credit of C.C.No. Within 60 days from the date of the order passed in Crl.M.P.No.4334 of 2023 in C.A.No.74 of 2023 on the file of III Additional Session Judge, in charge Principal Sessions Court, Chennai in C.C.No.3171 of 2016 on the file of the VII Metropolitan Magistrate George Town, Chennai.

For Petitioner : M/s.Muthu Ganesa Pandian

COMMON ORDER

These Criminal Original Petitions have been filed to set aside the conditional order dated 23.02.2023 that the condition to deposit 20% of the Total compensation amount to the credit of C.C.Nos.3171 & 3173 of 2016 within 60 days from the date of the order passed in Crl.M.P.Nos.4334 & 4335 of 2023 in C.A.No.74 & 75 of 2023 on the file of III Additional Session Judge, in charge Principle Sessions Court, Chennai in C.C.Nos.3171 & 3173 of 2016 on the file of the VII Metropolitan Magistrate George Town, Chennai.

2. The learned counsel for the petitioners submitted that, against the judgment of VII Metropolitan Magistrate, George Town, Chennai in C.C.Nos.3171 & 3173 of 2016, convicting and sentencing the petitioners to undergo 6 months simple imprisonment and also directing them to pay a sum of Rs.7,34,000/- each as compensation under Section 255(2) of Cr.P.C., petitioners



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filed appeal in Crl.A.Nos.74 & 75 of 2023 on the file of the Principal District and Session Judge, Chennai. While ordering suspension of sentence Crl.M.P.Nos.4334 & 4335 of 2023 in C.A.No.74 & 75 of 2023, learned Judge directed the petitioners to deposit 20% of the compensation amount in C.C.Nos.3171 & 3173 of 2023 on the file of the trial Court within a period of sixty days from the date of receipt of copy of the order. In the said circumstances, present petition is filed.

3. Section 148 of Negotiable Instruments Act, empowers the appellate Court to order the appellant/ accused to deposit such sum which shall be a minimum of twenty per cent of the fine or compensation awarded by the trial Court. Petitioners were ordered to deposit only 20% of the compensation amount. Therefore, this Court finds that there is no illegality or irregularity in ordering the petitioners to deposit 20% of the compensation amount to the credit of C.C.Nos.3171 & 3173 of 2016 on the file of the trial Court.

G.CHANDRASEKHARAN,J.



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4. Accordingly, these Criminal Original Petitions are dismissed.

However, time is granted to the petitioners for a further period of one month from the date of receipt of copy of this order for depositing the amount as ordered by the appellate Court.

17.04.2023

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