



Crl O.P.No.20806 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Y.B.Distributors,
rep.by its proprietors,
M/s.Bharat T.H.Shah,
O/o.Harilal Shah,
Office No.28, Somasundaram Nagar,
Krishnadoss Road,
Mangalapuram opp. to SPR buildings,
Near Otteri police station,
Chennai - 600 012.

2.M/s.Bharath T.H.Shah,
O/o.Harilal Shah,
residing at No.4567,
North Ton Tower-2, Flat No.603,
Stephens Road, Binny Mills,
Perambur Baracks Road,
Chennai - 600 012.

... Petitioners

Versus

M/s.Gemini Integrated facility
Management Pvt. Ltd.,
Partnership firm
Mr.K.Vijayakumar Partner,
Office No.31, Jothi Nagar,
Lakshmipuram, Kolathur,
Chennai - 600 099.

... Respondent



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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order on 25.01.2023 passed by the Principal Sessions Judge in Crl.M.P.Sr.No.2000 of 2023 in Criminal Appeal No.310 of 2022.

For Petitioners : Mr.K.V.Ramesh

ORDER

This Criminal Original Petition has been filed challenging the docket order passed by the Court below on 25.01.2023 returning the petition filed by the petitioners seeking for modification of the condition imposed by the Court below while suspending the sentence imposed against the petitioners, pending Criminal Appeal No.310 of 2022.

2. Heard Mr.K.V.Ramesh, learned counsel for the petitioners and carefully perused the materials available on record.

3. The Court below was perfectly right in not entertaining the petition since Section 148(1) of the Negotiable Instruments Act itself provides a deposit of minimum of 20% of the compensation awarded by



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the trial Court. In view of the same, there is no scope for reducing this percentage. At the best, this Court can only give some more time to the petitioners to deposit this amount. Accordingly, there shall be a direction to the petitioners to deposit 20% of the compensation amount within a period of four (4) weeks from today. It is made clear that if the petitioners fail to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioners shall stand cancelled automatically without any further reference to this Court and the Court below shall take steps to secure the petitioners in order to serve the sentence imposed by the trial Court.

This Criminal Original Petition is disposed of with the above direction.

12.09.2023

Note: Issue order copy by 13.09.2023

Index: Yes/No
Speaking Order / Non-Speaking Order
Neutral Citation: Yes / No

rjr/gm



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N.ANAND VENKATESH, J

gm

To

The Principal Sessions Judge,
Chennai.

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