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CrI.O.P.No.9919 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.9919 of 2023

K.Gunasekar

... Petitioner

Vs.

B.Janarthanam

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records relating to the order passed by the learned Principal District and Sessions Judge, Chennai in CrI.M.P.No.95 of 2023 in C.A.No.385 of 2022 dated 03.01.2023 in so far as it relates to imposition of the condition by directing the petitioner to deposit 20% of the compensation amount to credit of C.C.Number on the file of the Trial Court within sixty days from the date of that order before the learned Metropolitan Magistrate, Fast Track Court – I, Egmore at Allikulam, Chennai and set aside the same.

For Petitioner : M/s. P.Siva Muruganantham

ORDER

This Criminal Original Petition has been filed to call for the records relating to the order passed by the learned Principal District and Sessions Judge, Chennai in CrI.M.P.No.95 of 2023 in C.A.No.385 of 2022 dated 03.01.2023 in



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so far as it relates to imposition of a condition directing the petitioner to deposit 20% of the compensation amount to the credit of C.C.No.8179 of 2017 within sixty days from the date of that order, on the file of the Metropolitan Magistrate, Fast Track Court – I, Egmore at Allikulam, Chennai and set aside the same.

2. It is the submission of the learned counsel for the petitioner that petitioner was convicted and sentenced for the offence under Section 138 of N.I. Act and directed to undergo two years simple imprisonment and to pay double the cheque amount as compensation to the complainant within a period one month, in default, to undergo 6 months simple imprisonment. It is his further submission that, against the conviction and sentence, petitioner filed appeal in C.A.No.385 of 2022 and also filed petition for suspension of sentence. The learned Principal District and Sessions Judge, Chennai in Crl.M.P.No.95 of 2023 in C.A.No.385 of 2022 directed the petitioner to deposit 20% of the compensation amount to the credit of C.C. No.8179 of 2017 within a period of 60 days from the date of receipt of copy of the order. This order is challenged on the ground that direction to deposit 20% of the compensation, which is double the cheque amount is very excessive. That apart, there is a dispute that,



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whether statutory notice was served to the petitioner.

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3. It is no doubt that, learned Principal District and Sessions Judge, Chennai is empowered under Section 148 of N.I Act to direct payment of not less than 20% of the compensation amount. However, considering the fact that, cheque amount was Rs.30 lakhs and that double the cheque amount is ordered as compensation, this Court modifies the amount to be deposited and directs the petitioner to deposit 10% of the compensation amount to the credit of C.C. No.8179 of 2017 within a period of eight weeks from the date of receipt of copy of the order.

4. With the above direction, this Criminal Original Petition is disposed of.

01.06.2023

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To,

Principal District and Sessions Judge, Chennai



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G.CHANDRASEKHARAN,J.

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