



WEB COPY



Crl.O.P.No.13413 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 19.06.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.13413 of 2023**

Uma Maheshwari

... Petitioner

Vs

N.V.Krishnan

... Respondent

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to the Cr.M.P.No.1807 of 2023 in C.A.No.93 of 2023 on the file of the Court of Vacation Judge, Vellore and set aside the same as far as the petitioners are concerned.

For Petitioner : Mr.S.Saravanakumar

For Respondent : No appearance

**ORDER**

This petition is filed challenging the order of learned Vacation Judge, Vellore, in Cr.M.P.No.1807 of 2023 in C.A.No.93 of 2023 on 18.05.2023, directing the petitioner to deposit a sum of Rs.11,25,000/- out of Rs.45,00,000/- ordered by the trial Court as compensation for the



CrI.O.P.No.13413 of 2023

respondent for suspension of sentence.

WEB COPY

2.It is the submission of learned counsel for the petitioner that amount ordered is excessive and the case against A1 was quashed by this Court. In such circumstances, the learned counsel for the petitioner prays for setting aside the aforesaid order.

3.This Court finds from the judgment of the trial Court that the trial Court convicted the petitioner/second accused under Section 138 of Negotiable Instruments Act, and sentenced to undergo three months simple imprisonment with compensation of Rs.45,00,000/- with interest at the rate of 9% per annum from the date of dishonour and in default to pay the compensation amount, sentenced to undergo further period of two weeks simple imprisonment. Challenging this judgment, petitioner filed appeal in C.A.No.93 of 2023 along with the petition for suspension of sentence in Cr.M.P.No.1807 of 2023. The learned Vacation Judge, Vellore, ordered the suspension of sentence till the disposal of the appeal on deposit of 25% compensation amount of Rs.11,25,000/- out of Rs.45,00,000/- within one month from the date of order and on further conditions of executing a bond



Crl.O.P.No.13413 of 2023

for a sum of Rs.10,000/- along with two sureties for a like sum to the satisfaction of the Judicial Magistrate No.II, Walajapet.

4.Section 148 of Negotiable Instruments Act, empowers the Appellate Court to direct the appellant to deposit minimum of 20% of the fine or compensation awarded by the trial Court.

5.The cheque dishonour case was filed in 2010, therefore, this Court finds there is no illegality or irregularity in directing the petitioner to deposit 25% of the compensation amount. Therefore, order dated 18.05.2023 passed by the learned Vacation Judge, Vellore in Cr.M.P.No.1807 of 2023 in C.A.No.93 of 2023 is confirmed.

6.Accordingly, this Criminal Original Petition is dismissed. Petitioner is granted one month time from today (i.e. 20.06.2023) for depositing the amount as ordered by the Appellate Court.

**19.06.2023**

Index: Yes/No  
Speaking/Non speaking order  
ep



WEB COPY



Crl.O.P.No.13413 of 2023

**G.CHANDRASEKHARAN, J.**

ep

To

The Vacation Judge, Vellore.

**Crl.O.P.No.13413 of 2023**



WEB COPY



Crl.O.P.No.13413 of 2023

**19.06.2023**