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Crl.O.P.Nos.19157, 19158, 19163 and 19166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.19157, 19158, 19163 and 19166 of 2023

S.Annamalai

...Petitioner in Crl.O.P.Nos.19157 & 19166 of 2023

1.Subbiah Educational Trust,
rep by S.Annamalai,
No.96/A, East Street, Tirukoilur
Villupuram

2.S.Annamalai

...Petitioner in Crl.O.P.No.19158 of 2023

S.Subramanian

...Petitioner in Crl.O.P.No.19163 of 2023

vs.

Bhavika Jain

...Respondent in Crl.O.P.No.19157 of 2023

Mohankumar

...Respondent in Crl.O.P.Nos.19158, 19163 & 19166 of 2023

COMMON PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order of interim compensation of 20% in Crl.M.P.Nos.17867, 17870, 17873 and 17869 of 2022 dated 21.09.2022 in Crl.Appeal Nos.208, 210, 211 and 209 of 2022 awarded by the learned Principal Judge, Chennai.

For Petitioners
in all OPs : Mr.R.Thanigaiarasu



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COMMON ORDER

These criminal original petitions have been filed challenging one of the condition that was imposed by the Court below while suspending the sentence, pending criminal appeals filed by the petitioners.

2. Heard the learned counsel for the petitioner and the respondent and also perused the materials available on record.

3. The petitioners were convicted in four complaints for offence under Section 138 of the Negotiable Instruments Act and they were sentenced to undergo 2 years simple imprisonment and to pay twice the cheque amount as compensation in all the complaints. Aggrieved by the same, four appeals were filed by the petitioners in criminal appeal Nos.208 to 211 of 2022. In these appeals, the petitioners had filed an application for suspending of sentence, pending appeals. The sentence was suspended by imposing certain conditions. One of the condition, that was imposed by the Court below is that the petitioner has to deposit 20% of the compensation amount that was fixed by the trial Court. Aggrieved by this condition, these petitions have been filed before this Court.



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4. It is seen from records that there are arguable points involved in these appeals and the trial Court had imposed the condition to deposit twice the cheque amount as compensation. In view of the same, in order to strike a balance, the condition imposed by the Court below is modified as follows:

The petitioners in each appeal shall deposit 20% of the cheque amount to the credit of CC.Nos.1809, 1812, 1815 and 1814 of 2011 on the file of the trial Court within a period of two weeks from the date of receipt of copy of this order.

5. The XIX Additional City Civil Court, Chennai is directed to hear and dispose of all the criminal appeals within a period of 6 months from the date of receipt of copy of this order.

6. These criminal original petitions are disposed of in the above terms.

24.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa



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N. ANAND VENKATESH, J.

nsa

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To

1.The XIX Additional City Civil Judge
Chennnai

2.The Public Prosecutor,
Madras High Court,
Chennai 600 104..

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24.08.2023