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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23516 of 2023

Geetha

... Petitioner

Vs.

1.A.V.Thineshraj

2.The State rep by
The Public Prosecutor,
Tiruppur.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the condition that the petitioner shall deposit 20% of the cheque amount awarded by Trial Court within 15 days from the date of this order, on failure to do so, the petition shall stand dismissed, imposed in the order dated 26.05.2023 in Crl.MP.No.1910 of 2023 in C.A.No.205 of 2023 on the file of Principal Sessions Judge, Tirupur.



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For Petitioner : Mr. K.Sudhakar

ORDER

The petitioner herein is aggrieved by the condition imposed by the Trial Court to deposit 20% of the cheque amount as a condition for suspension of sentence is before this Court, stating that Section 148 of N.I. Act is only a discretionary provision and not a mandated provision. Therefore, the pre-condition of depositing 20% of the cheque amount needs to be modified.

2. The learned counsel for the petitioner submitted that Section 142 of N.I. Act prescribes 60 days time for payment of condition of the order. The Trial Court has granted only 60 days. This Court has given an opportunity to read the judgment of the Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Limited and Others, wherein it is reported in Criminal Appeal No.2741 of 2023 and Section 148 of N.I. Act.

3. The provision prescribes a minimum of 20% of the fine amount or



the compensation awarded and allows 60 days time to deposit the money or within such further period not exceeding 30 days as directed by the Appellate Court for sufficient cause, within the discretion of the Court exercising the power. Being 60 days time for payment is the upper limit with an another 30 days of extension of time and it cannot be altered, if the Trial Court is of the view that the compensation amount should be paid within 60 days. In the case where the cause of action arose in the year 2015 and culminated in the judgment of the order 2023, the accused person who is found guilty cannot be allowed to contest the judgment of the Trial Court and prolong the enforcement of the Judgment. Therefore, the interim order of depositing 20% of the cheque amount is reasonable and the time for deposit 15 days is also well within the law. In any event, it is admitted by the petitioner/accused that he has not deposited 20% of the cheque amount and he has approached this Court challenging the order of the Trial Court dated 26.08.2023 and the matter is being pending. Therefore, this Court finds no merit in this Criminal Original Petition.

4. At request of the learned counsel for the petitioner, time to deposit 20% is extended till 31.10.2023.



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WEB COPY 5. With the above observation, this Criminal Original Petition is dismissed.

13.10.2023

Index : Yes/No

drl

To

1.The Principal Sessions Judge, Tirupur.

2.The Public Prosecutor,
Tiruppur.

3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

drl

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