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Crl.O.P.Nos.25225 & 25227 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.25225 & 25227 of 2023

and

Crl. MP. Nos.17498 & 17502 of 2023

Crl.OP. No.25225 of 2023

1.M/s.Basic Knitwear Pvt. Ltd,
Rep. by Authorised Representative,
Smt. V.Kamalam.

2.Tmt. Kamalam

3.M/s.Eison Exports,
Rep. by Authorised Representative,
Mr.A.V.Parthiban

4.Mr.A.V.Parthiban

... Petitioners

-VS-

M/s.Euro India Exports Pvt Ltd,
Rep. by its Chief Administrative Officer,
Mr.Ramakant Padia

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order dated 19.10.2023 in M.P. No.01 of 2023 in C.A. No.255 of 2023 on the file of the Principal Sessions Court, Tiruppur in so far it imposes a condition on the petitioners to deposit 20% of the cheque amount.



Crl.OP. No.25227 of 2023

1.M/s.Eison Exports,
Rep. by Authorised Representative,
Mr.A.V.Parthiban

2.Mr.A.V.Parthiban

... Petitioners

-VS-

M/s.Fashion Fabrics,
Proprietor,
Mr.Ramkant Padia

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order dated 19.10.2023 in M.P. No.01 of 2023 in C.A. No.254 of 2023 on the file of the Principal Sessions Court, Tiruppur in so far it imposes a condition on the petitioners to deposit 20% of the cheque amount.

For Petitioner : Mr.R.Saravanan in both Crl.O.Ps.

COMMON ORDER

The petitioners herein are the appellants in Crl.A. Nos. 255 & 245 of 2023. Aggrieved by the conviction for offences under Section 138 of the Negotiable Instruments Act, 1881, (in short 'NI Act'), the petitioners have filed an appeal before the learned Principal District Judge, Tiruppur and they have sought for suspension of sentence.



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2. In which, the lower appellate Court has directed the petitioners to deposit 20% of the cheque amount within a period of 15 days from the date of order, or else, they may be secured and to undergo the period of sentence.

3. Being aggrieved by the said order dated 19.10.2023, the present petitions are filed, on a specific ground that under Section 148 of the NI Act, the Appellate Court had entertained the appeal and directed to deposit 20% of fine or compensation amount awarded. Under Section 148(2), the time limit prescribed for such deposit is 60 days but the Appellate Court only granted 15 days. Section 148(2) of NI Act, grants 60 days time for the appellant to deposit 20% of the fine or compensation amount.

4. In this case, obviously, the Appellate Court granted only 15 days time. The date of order of the trial Court is 16.09.2023, the Appellate Court has considered appeal and Application for suspension of sentence on 19.10.2023. In the light of the Section 148(2) of NI Act, the 15 days time does not fall either within the time prescribed if reckoned from the date of trial Court order or from the date of Appellate Court order. Therefore, the order of the lower Appellate Court is modified to the extend, the petitioners herein are permitted to deposit the money within a period of four weeks on or before 19.12.2023.



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Dr.G.JAYACHANDRAN, J.

5. With this directions, this Criminal Original Petitions are disposed of.

Consequently, connected miscellaneous petitions are closed.

15.11.2023

Internet : Yes/No
Index : Yes/No
rkp

To

1. The Principal Sessions Judge,
Thiruppur.
2. The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Thiruppur.
3. The Public Prosecutor,
Madras High Court, Madras.

Crl.O.P.Nos.25225 & 25227 of 2023
and
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