



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.6598 of 2024

1.M/s.PRS Yarn Trading
A partnership Firm rep. by
Managing Director K.M.Panneer Selvam
9/B, IOB Building, Thillai Nagar,
Erode.

2.K.M.Panneerselvam

3.P.Rajamani

4.Subha

5.M.P.Mohanasundar

6.M.P.Sakthivel

...Petitioners

Vs.

Sowmya Deepak Krishna

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside and modify the condition the petitioner are direction to deposit a sum of RS.450,000/- towards the part of compensation amount before the trial court on or before 08.03.2024 imposed in M.P. No.395 of 2024 in CrI.A.No.21 of 2024 dated 23.01.2021 on the file of the Principal District and Sessions Judge, Coimbatore.



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For Petitioner : Mr.R.T.Vijayaraghavan

ORDER

This criminal original petition has been filed challenging one of the condition that was imposed by the Court below while allowing the application filed for suspension of sentence imposed by the Trial Court for offence under Section 138 of the Negotiable Instruments Act.

2.Heard the learned counsel for the petitioners and carefully perused the materials available on record.

3.The petitioners were convicted for offence under Section 138 of the Negotiable Instruments Act in C.C.No.1327 of 2019. Aggrieved by the same, the petitioners filed an appeal before the learned Principal District and Sessions Judge, Coimbatore in CrI.A.No.21 of 2024. Pending the appeal, the petitioners also filed an application seeking for suspension of sentence in C.M.P.No.395 of 2024. The Appellate Court suspended the sentence by imposing certain conditions. One such condition that was imposed was that the petitioners were directed to deposit a sum of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) towards 20% of the compensation amount.



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4.The petitioners were not able to deposit the amount within the time stipulated by the Appellate Court and hence, they filed Crl.M.P.No.1314 of 2024, seeking for extension of time. This application was also allowed by the Court below by an order dated 08.03.2024 and the time was extended for an other twenty days. Thus, the petitioner was granted 65 days (45 + 20) in all for depositing the amount and the petitioner did not deposit the same.

5.It is under these circumstances, the petitioner has approached this Court questioning the condition imposed by the Appellate Court directing the petitioner to deposit a sum Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only) at the time of suspending the sentence.

6.In the considered view of this Court, the petitioner did not choose to challenge the condition initially and the petitioner had only sought for extension of time. Extension of time was also granted to the petitioner. Thereafter, the petitioner has chosen to question the condition and the same cannot be entertained by this Court.



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7. Considering the facts and circumstances of the case, at the best, this Court can only further extend some time to enable the petitioners to deposit the sum of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only).

8. In the light of the above discussion, there shall be a direction to the petitioners to deposit the sum of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand only), within a period of six weeks from the date of receipt of copy of this order. It is made clear that if the petitioners fails to deposit the amount, the suspension of sentence granted in favour of the petitioners will stand terminated and the petitioners will be secured to undergo the sentence imposed by the Trial Court.

9. This criminal original petition is disposed of in the above terms.

18.03.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr



To

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- 1.The Principal District and Sessions Judge, Coimbatore.
- 2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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