



Crl.O.P.No.6918 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P No.6918 of 2024

Umarani

...Petitioner

Vs.

S.Murugesan

...Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to set aside the order dated 16.02.2024 passed in Crl MP No.1 of 2024 in CA No.64 of 2024 pending on the file of the Principal District and Sessions judge, Erode and to modify the condition “that the petitioner has to deposit 20% of the amount awarded as compensation before the Trial Court on or before 02.03.2024.

For Petitioner : Mr.C.D.Sugumar

ORDER

This Criminal Original petition has been filed challenging one of the condition imposed by the Court below while suspending the sentence imposed against the petitioner for offence under Section 138 of the



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Negotiable Instruments Act, by directing the petitioner to deposit 20% of the cheque amount under Section 148 of the Negotiable Instruments Act within a period of 60 days.

2. Heard Mr.C.D.Sugumar, learned counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo three months simple imprisonment and to pay 8,00,000/- towards compensation and in default, one month simple imprisonment by judgement dated 15.11.2023 passed by the learned Judicial Magistrate, Fast Track Court I, Erode. The petitioner filed an appeal before the Court below in Crl A No.64 of 2024. Along with appeal, the petitioner also filed an application seeking for suspension of sentence. The Court below was pleased to suspend the sentence on 16.02.2024 by imposing certain conditions. The petitioner is aggrieved by one of the condition that was imposed by the Court below whereby the petitioner was directed to deposit 20% of the cheque amount. Hence, the present Criminal Original petition has been filed before this



4. The learned counsel for the petitioner submitted that the petitioner had raised a valid defense before the Court below to the effect that the cheques that were given as security were misused by the respondent / complainant. On carefully going through the finding of the Trial Court, it is seen that the petitioner was not able to establish before the Court that the liability had already been settled and that inspite of the same, the cheques that were given as a security were misused. The Trial Court has rendered a specific finding in this regard at Paragraph 25 and 26 of the judgement.

5. In the considered view of this Court, the condition imposed by the Court below does not require the interference of this Court. However, this Court is inclined to extend the time for depositing of the cheque amount. Accordingly, the petitioner is directed to deposit 20% of the cheque amount within a period of four weeks from the date of receipt of a copy of this order. If the petitioner deposits the amount within the time extended by this Court, the earlier order passed by the Court below in Crl MP No.1 of 2024 dated 16.02.2024 will be revived. If the petitioner fails to deposit the amount



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within the time stipulated by this Court, the order of suspension of sentence will be cancelled and the petitioner will be secured and made to undergo the sentence imposed by the Trial Court.

6. This Criminal Original Petition is disposed of in the above terms.

25.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order : Yes/No
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To

1. Principal District and Sessions judge, Erode

2. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH,J



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