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CrI.O.P.No.10415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10415 of 2024

Ruby Gold and Diamond Jewellery,
Rep. by Iqbal, M/A, 44 yrs,
S/o.Kutharathulla,
No.60-A, NarasingaDasari Lane,
NSC Bose Road, Chennai – 600 079.

...Appellant/Accused

/versus/

M/s.K.M.Jewellers, Rep.by,
Mr.Dilip M.Jain,
S/o.Mohan Raj,
New No.14, Old No.16/1,
Shanthi Complex, Veerappan Street,
Sowcarpet, Chennai – 600 079.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the condition in suspend the sentence order dated 22.02.2024 in CrI.M.P.No.5593 of 2024 in C.A.No.139 of 2024 on the file of the Principal Sessions Judge, Chennai.

For Petitioner : Mr.N.Saravanan



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ORDER

This Criminal Original Petition is filed to set aside the condition in suspend the sentence order dated 22.02.2024 in CrI.M.P.No.5593 of 2024 in C.A.No.139 of 2024 on the file of the Principal Sessions Judge, Chennai.

2. The petitioner herein is the accused in a private complaint instituted under Section 138 of the N.I. Act. The trial Court has found him guilty and sentenced him to pay fine of Rs.20 lakhs as compensation. Against the said judgment, he has preferred an appeal and the same is pending. In his application for suspension of sentence, the Appellate Court has directed him to deposit 20% of the compensation amount within a period of 60 days to avail the privilege of suspension of sentence.

3. Challenging the said order dated 22.02.2024, the present Criminal Original Petition is filed, stating that the sentence is to be suspended without any condition. Also, it is stated that, being the sole breadwinner of the family, his business is stressful and he is not able to mobilize 20% of the compensation amount. Taking note of the fact that the case for dishonour of the



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cheque was instituted in the year 2019 and ended after four years of prolonged delay, Challenging the judgment, the petitioner has filed an appeal and the same is pending. The suspension of sentence cannot be granted without any condition since Section 148 of N.I. Act contemplates imposing condition of deposit of 20% of the compensation amount as a pre-condition for granting the suspension of sentence.

4. From the impugned order, this Court finds that the 60 days time for payment got expired on 22.04.2024. Therefore, while dismissing the Criminal Original Petition, grant a further 15 days from today for deposit of the condition amount, failing which the order suspending the sentence shall stand cancelled.

5. Accordingly, this Criminal Original Petition is dismissed.

30.04.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Principal Sessions Judge, Chennai.



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Dr.G.JAYACHANDRAN,J.

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