



Crl.O.P.No.7626 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7626 of 2024

N.Basheer Ahmed, aged about 56 years,
S/o.Late Noor Mohamed,
“Proprietor of V.K.N.Power Laundry System”,
Arthoon Road, Royapuram,
Chennai – 600 013. ... Petitioner/Appellant/Accused

/versus/

M.Nagarajan,
S/o.Mottaiyandi,
Old No.44/2, New No.16,
Lal Begum Street, 2nd Floor,
Chepauk, Triplicane,
Chennai – 600 005. ... Respondent/Defacto complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dated 02.03.2024 in Crl.M.P.No.6692 of 2024 in Crl.A.No.169 of 2024 on the file of the Principal Sessions Court, Chennai.

For Petitioner : Mr.S.Dharmesh



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ORDER

This Criminal Original Petition is filed to set aside the order dated 02.03.2024 in Crl.M.P.No.6692 of 2024 in Crl.A.No.169 of 2024, on the file of the Principal Sessions Court, Chennai.

2. The petitioner herein who suffers the judgment of conviction in a complaint under Section 138 of N.I Act, has preferred appeal and the present petition is filed to consider the condition of depositing 20% of the compensation amount as a pre-requisite for suspension of sentence.

3. Though, several points been raised by the Learned Counsel for the petitioner, this Court not convinced and those points to be canvassed before the Appellate Court. As far as the compliance of the conditional order to deposit 20% of the compensation amount, the Learned Counsel for the petitioner submits for the present, the petitioner/Appellant is not in a position to mobilise 20% of the cheque amount i.e., Rs.3,60,000- and therefore, modification of the condition may be made, so that, the petitioner herein will be able to contest the appeal without being



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confined in the prison.

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4. Taking note of the fact that the petitioner is ready to get along with the appeal and presently he is not financially sound to deposit 20% of the cheque amount, this Court modifies the condition to deposit 10% of the compensation amount, within time prescribed by the Appellate Court and on such deposit, the Appellate Court shall pursue with the appeal as expeditiously as possible.

5. With the above observation, this ***Criminal Original Petition is disposed of.***

04.04.2024

Index :Yes/No.

Internet :Yes/No.

Speaking Order/Non-Speaking Order

bsm

Copy to:-

1. The Principal Sessions Court, Chennai.



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DR.G.JAYACHANDRAN, J.

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