



Crl.O.P.No.8621 of 2024

ORDER

The petitioner herein is the appellant before the 1st appellate Court.

being aggrieved by the judgment passed in a private complaint initiated under Section 138 of Negotiable Instruments Act. When he sought for suspension of sentence before the lower appellate Court, the lower appellate Court has passed the conditional order to pay 20% of the cheque amount.

2. Being aggrieved that he has already paid the substantial amount towards the cheque due. The petitioner wants an unconditional suspension of sentence.

3. The learned counsel states that having paid substantial amount to the company owned by the complainant, the conditional order may be waived.

4. However, the trial Court as well as this Court on perusing the records available finds that the alleged payment does not indicate that it towards the cheque amount. Anyhow, it is a matter for examination by the lower appellate Court. Since the trial Court has declined to accept the



Crl.O.P.No.8621 of 2024

said defence, this Court does not find any unreasonableness in imposition of 20% of compensation amount. Hence this ***Criminal Original Petition is dismissed***. However, further time of 30 days is granted to comply the condition. If the 20% of the compensation amount not deposited within 30 days, the order of suspension of sentence shall stand cancelled.

08.04.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

The Principal District and Sessions Judge, Thiruvallur.

Dr.G.JAYACHANDRAN,J.

rpl



WEB COPY



Crl.O.P.No.8621 of 2024

Crl.O.P.No.8621 of 2024

08.04.2024