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Crl.OP.No.8920 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.8920 of 2024

Thennarasu

... Petitioner

Vs.

Dhanalakshmi Srinivasan Chit Fund Limited,
Rep.by its Foreman/Branch Manager,
No.401, Tamilnadu Housing Board,
First Floor, Kakkalur Bypass Road,
Tiruvallur-602 001.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 03.02.2024 made in Crl.MP.No.576 of 2024 in Crl.A.No.12/2024 on the file of Hon'ble Principal and Sessions Judge at Tiruvallur and consequently to extent some more to deposit 20% of the compensation amount before the Fast Track Magisterial Level Tiruvallur to the credit of STC.No.132 of 2023 vide order made in Crl.MP.No.576/2024 in Crl.A.No.12/2024 on the file of the Principal District and Sessions Judge at Tiruvallur.

For Petitioner : Mr.V.Sithannan



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ORDER

The petitioner herein is the appellant before the Principal District and Sessions Court, Tiruvallur in C.A.No.12 of 2024. He was found guilty by the trial Court in STC.No.132 of 2023 vide Judgment dated 28.12.2023 for the offence under Section 138 of Negotiable Instruments Act and he was sentenced to undergo six months simple imprisonment and pay a sum of Rs.3,02,261/- as compensation within a period of one month.

2. Against the conviction and sentence, the said appeal is filed and pending. While application for suspension of sentence filed, the same was allowed by the Principal District and Sessions Court, Tiruvallur on condition that the petitioner should deposit 20% of the compensation amount before the trial Court to the credit of STC.No.132 of 2023 within a period of sixty days. The order in Crl.MP.No. 576 of 2024 in C.A.No.12 of 2024 was passed on 03.02.2024, sixty days time expired on 03.04.2024.

3. The petition herein is filed to set aside the said order in so far as the deposit of 20% as the compensation amount.



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4. This Court on perusing the petition finds that after full trial, the trial Court found the petitioner guilty for issuing cheque for Rs.3,02,261/- without fund in his account.

5. Challenging the said sentence and conviction, appeal been filed, in exercise of the power under Section 148 of N.I.Act, the petitioner is directed to deposit 20% of the compensation amount. This Court finds no reason to interfere in the said order, since it is in accordance with law and facts. However, having preferred an appeal to contest the appeal, sentence has been suspended and the condition of deposit of 20% within a period of sixty days since expired, time is further extended to 30.04.2024 for deposit. On such deposit, the suspension of sentence shall be granted to the petitioner subject to compliance of other conditions imposed by the Court while granting suspension of sentence.

6. With the above directions, this Criminal Original Petition is disposed. of.

12.04.2024

Vv



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To
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1. The Principal and Sessions Judge,
Tiruvallur.
2. The Judicial Magistrate,
Fast Track Magisterial Level,
Tiruvallur
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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