



Crl.O.P.Nos.9338 & 9340 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.Nos.9338 & 9340 of 2024

Sudha ... Petitioner in Crl.O.P.No.9338/2024

Vanchinathan ... Petitioner in Crl.O.P.No.9340/2024

Vs.

Ravichandiran ... Respondent in Crl.O.P.No.9338/2024

Nandhakumar ... Respondent in Crl.O.P.No.9340/2024

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, pleaded to set aside and modify the condition passed in Crl.M.P.Nos.1378 & 1377 of 2024 dated 25.03.2024 in Crl.A.Nos.55 & 54 of 2024 on the file of the learned Principal District and Sessions Judge, Thiruvallur District.

For Petitioner in both cases : Mr.S.Sasikumar

ORDER

These Criminal Original Petitions are filed to set aside or modify the condition imposed by the lower appellate Court in appeals preferred



against the conviction under Section 138 of Negotiable Instruments Act.

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2. The learned counsel appearing for the petitioner states that when Section 148 of N.I.Act, makes clear that the lower appellate Court has power to grant suspension of sentence pending appeal with imposition of a condition to deposit 20% of the compensation amount, the lower appellate Court while imposing the condition must give a reason. In this connection, he also relies upon the judgment of the Hon'ble Supreme Court.

3. This Court is of the view that the Statute prescribes 20% of compensation amount as pre-condition for granting suspension of sentence. Assigning reason will arise only if the lower appellate Court is of the view that less than 20% of compensation amount is sufficient as pre condition for suspension of sentence and not otherwise. Hence this Criminal Original Petitions to set aside or modify the condition imposed by the lower appellate Court stand dismissed.

4. The learned counsel appearing for the petitioner seeks some concession in depositing the 20% of the compensation amount as ordered



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by the lower appellate Court by extending time.

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6. As far as Crl.O.P.No.9340 of 2024 arising out of order passed in Crl.M.P.No.1374 of 2024 dated 25.03.2024 in Crl.A.No.54 of 2024, the lower appellate Court has directed to deposit 20% of the compensation amount i.e., 20% of Rs.12,50,000/- is Rs.2,50,000/- within a period of 60 days i.e., on or before 24.05.2024 . If the petitioner deposit Rs.1,25,000/- on or before 25.05.2024, for payment of balance amount of Rs.1,25,000/- 30 days time will be granted. In such deposit, he will be entitled to enjoy the privilege of suspension of sentence ordered by the



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lower appellate Court.

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Dr.G.JAYACHANDRAN,J.

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7. With the above observations, these Criminal Original Petitions are disposed of.

18.04.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

The Principal District and Sessions Judge, Thiruvallur District.

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