



WEB COPY



Crl.OP.No. 13143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.13143 of 2024

R.Mythili

... Petitioner

Vs.

J.Ponni

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 01.03.2024 in Crl.MP.No.6620 of 2024 in Crl.A.No.165 of 2024 passed by the learned III Additional Sessions Judge, Chennai.

For Petitioner : Mrs.R.Indhumathi

ORDER

The petitioner is the accused in STC.No.2376 of 2022 on the file of the learned Metropolitan Magistrate, FTC-I, Allikulam, Chennai. In a private complaint initiated under Section 138 of Negotiable Instruments Act, the petitioner found guilty for issuing cheque for Rs.11,25,000/- to



Crl.OP.No. 13143 of 2024

discharge the debt arising out of chit transaction. The trial Court has convicted the petitioner to undergo one year simple imprisonment with fine of double the cheque amount.

2. Aggrieved by the judgment of conviction, the petitioner has preferred an appeal before the learned Principal District and Sessions Judge, Chennai in Crl.A.No.165 of 2024. When application for suspension of sentence sought by the petitioner, the same was entertained by the Appellate Court on condition to deposit 20% of the fine amount within a period of 60 days. Challenging the said condition, the present petition is filed.

3. The learned counsel appearing for the petitioner submits that the petitioner has a valid defence and all probability of succeeding the appeal. While so, the condition to deposit double the cheque amount is very onerous and seeks interference of this court.

4. Taking into consideration the submissions, this Court is of the view that the condition for suspension of sentence may be modified to the effect that the petitioner shall deposit a sum of Rs.2,25,000/- which



Crl.OP.No. 13143 of 2024

will be 20% of the cheque amount.

WEB COPY

5. The learned counsel for the petitioner states that the petitioner has already drawn a demand draft for Rs.2,25,000/- dated 23.04.2024 in favour of Chief Metropolitan Magistrate, Egmore and the same shall be directed to be accepted by the Chief Metropolitan Magistrate as compliance of the modified conditional order.

6. In view of the above submissions, this Court directs the Chief Metropolitan Magistrate to accept the demand draft for Rs.2,25,000/- being 20% as compliance of the modified condition for granting suspension of sentence.

7. With the above direction, this Criminal Original Petition is disposed of.

06.06.2024

Vv

To

1.The III Additional Sessions Judge, Chennai.

2.The Public Prosecutor,
High Court of Madras,



Crl.OP.No. 13143 of 2024

Dr.G.JAYACHANDRAN, J.

Vv

Crl.OP.No.13143 of 2024

06.06.2024