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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRL.OP.No.12388 of 2024

D.Karigalan

... Petitioner

K.Kumar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the entire records in pursuant to the Crl.MP.No.1110 of 2024 in CA.No.20 of 2024 on the file of the Court of Sessions Division of Vellore District vide order dated 26.04.2024 and set aside the same.

For Petitioners : Mr.S.Raja Ravi Varma

ORDER

The petitioner who was found guilty for offence under Section 138 of the Negotiable Instruments Act sought for suspension of sentence pending appeal before the lower appellate court. The lower appellate court dismissed the petition, pendency of NBW against the petitioner. Being aggrieved, present petition filed under Section 482 of Cr.P.C., to



set aside the order passed by the lower appellate court in CrI.MP.No.1110 of 2024 in CA.No.20 of 2024 and pass appropriate order. On considering the relief sought, this court directed the petitioner herein to draw demand draft for Rs.1,00,000/-

2. Taking note of the fact that the petitioner has already drawn the demand draft for Rs.1,00,000/-, being 20% of the compensation amount, which is in tune with Section 148 of the Negotiable Instruments Act, permitted the petitioner to deposit the said demand draft which was drawn in favour of the complainant since draft was drawn in the personal name.

3. The learned counsel for the petitioner states that the demand draft was handed over to the complainant himself and acknowledgement received. Further, he would state that the petitioner has entered into a compromise with the complainant, who has agreed to compound the offence.

4. In the light of the above fact, it is suffice to direct the parties to appear before the lower appellate court and file their compounding



petition and get redressal. Since the 20% of the compensation amount has already been received by the complainant directly, there shall not be any condition to deposit further, any money under Section 148 of the Negotiable Instruments Act.

26.06.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation

gv

To

1.The Court of Sessions Division of Vellore District

Dr.G.JAYACHANDRAN,J.



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gv

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