



CrI.O.P.No.13623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.13623 of 2024

Venkataramana

... Petitioner

Vs.

G.S.Ravichandar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records pertaining to CrI.M.P.No.11710 of 2024 in C.A.No.302 of 2024 passed by the Court of Sessions, Chennai and set aside the conditional order that the petitioner shall deposit 20% of the total compensation amount to the credit of S.T.C.number on the file of the trial Court within a period of 60 days by an order dated 16.04.2024 by allowing this petition.

For Petitioner : Mr.K.Balasubramaniam

ORDER

The petitioner herein is the convict in a criminal complaint initiated under Section 138 of Negotiable Instruments Act.

2. The trial Court in S.T.C.No.7875 of 2022 vide judgment dated 21.03.2024 had convicted the petitioner for issuing cheque for Rs.38 lakhs without sufficient fund in the account. The trial Court has sentenced the petitioner to undergo 8 months Simple Imprisonment and



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pay the cheque amount as compensation, in default 3 months S.I. Being aggrieved by the conviction, the petitioner has filed appeal before the Court of Sessions, Chennai and the same has been taken on file in C.A.No.302 of 2024. The petitioner has sought suspension of sentence and same was allowed on condition to deposit 20% of the cheque amount within a period of 60 days from the date of the order. This order suspending the sentence was passed on 16.04.2024, the time to deposit 20% of the cheque amount expires on 14.06.2024.

3. Meanwhile, the petitioner has filed the present petition seeking modification of the condition. The learned counsel appearing for the petitioner adverting to the merits of the appeal sought for modification of the conditional order.

4. A perusal of the record reveals that in consonance with the provision of the N.I.Act particularly, Section 148 of N.I.Act the lower appellate Court has imposed condition to deposit 20% of the compensation amount as prerequisite to suspend the sentence. This order came to be passed not only based on the facts of the case, the petitioner himself has come forward to deposit 20% of the compensation amount in



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order to get suspension of sentence. The said undertaking finds place in the order passed by the lower appellate Court, even otherwise the condition to deposit 20% of the cheque amount is fair and reasonable in so far as the present case is concerned. Therefore, this Court is not inclined to interfere in the order passed by the lower appellate Court in connection to suspending the sentence on condition.

5. The learned counsel appearing for the petitioner submitted that 60 days time to deposit 20% of compensation amount expires on 14.06.2024, some more breath time has to be granted.

6. Taking note of the said representation, the petitioner is granted two more weeks to deposit 20% of the cheque amount i.e., on or before 28.06.2024. With this observation, this Criminal Original Petition is disposed of.

12.06.2024

Index : Yes/No

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.

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To



The Court of Sessions, Chennai.

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