



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.13658 of 2024
and Crl.MP.No.8321 of 2024

A.Meeramohideen

... Petitioner

.VS.

The India Cements Limited
Rep.by its Authorized Person Mr.S.Kannan
Registered Office at No.827,Dhun Building
Mount Road
Chennai-600 002.

.. Respondent

Corporate Office at Coromandel Towers
93, Santhome High Road
Karpagam Agenue
Raja Annamalaipuram
Chennai-600028.

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the order passed in Crl.MP.No.7501 of 2024 in Crl.A.No.79 of 2024 by the XVIII Additional Judge, City Civil and Session Court, Chennai dated 08.03.2024 and set aside that portion of the order directing the petitioner to pay the balance compensation amount within 5 months from the date of order passed by the XVIII Additional Judge, City civil and Session Court, Chennai in Crl.MP.No.7501 of 2024 dated 08.03.2024.

For Petitioner : Mr.A.Mohammed Ismail



The matter was posed as a specially ordered case pursuant to the administrative order passed by the Hon'ble Acting Chief Justice. This administrative order was passed pursuant to the order passed on 12.6.2024 by the Hon'ble Justice Dr.G.Jayachandran and for proper appreciation, the said order is extracted below:

2. When suspension of sentence was granted for a limited period of 30 days by the trial Court, the petitioner sought for extension by the lower appellate Court, but the same was not entertained by the lower appellate Court, since it was filed after expiry of 30 days. Therefore, the petitioner herein had approached the High Court seeking relief of suspension of sentence. This Court, after considering the facts and circumstances of the case, vide order dated 20.02.2024, had allowed the petition for suspension of sentence on condition to deposit 20% of the compensation amount within a period of 60 days and if the petitioner deposits the compensation amount within the time frame fixed by the Court below, the bail order shall be made absolute by imposing necessary conditions. The lower appellate Court while receiving the surety had directed the petitioner to deposit the balance compensation amount within a period of 5 months, in view of the condition order imposed by this Court in clause 3 of paragraph 4.

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that this Court imposed condition to deposit 20% of compensation amount as pre-condition for granting bail and on deposit of the said 20%, interim bail to be made absolute. However, the lower appellate Court has wrongly understood that the petitioner has to deposit the remaining 80% of the compensation amount within a time fixed by the lower appellate Court.

4. This Court though convinced, the argument of the learned counsel that the order of this Court to be understood in the light of Section 148 of N.I.Act, however, the plain reading of clause 3 in paragraph 4 of the judgment tow in line with the understanding by the lower appellate Court. Hence, this has to be clarified by the Hon'ble Judge who has passed this order and therefore, request to place this petition before the Hon'ble Mr.Justice N.Anand Venkatesh after obtaining appropriate orders from My Lord the Hon'ble Acting Chief Justice.

2.The grievance of the petitioner is that the Court below has wrongly construed the order of this Court and has given a further direction to the petitioner to deposit the balance 80% of the compensation amount.

3.The scope of the order passed on 20.02.2024 was only to direct the petitioner to deposit 20% of the compensation amount as a condition for suspension of sentence. If the petitioner is directed to deposit the balance 80% also, the very purpose of filing an appeal against the judgment of the trial Court convicting and sentencing the petitioner for offence under Section 138 of the Negotiable Instruments Act, will stand defeated. It is therefore made clear that the Court below



will not insist the petitioner to deposit the balance 80% of the compensation amount. If the petitioner has already deposited 20% of the compensation amount, it sufficiently satisfies the order passed by this Court on 20.02.2024.

4. The above clarity shall be kept in mind by the Court below and the appeal shall be disposed of as expeditiously as possible.

5. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

09.07.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP



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To

XVIII Additional Judge
City Civil and Sessions Court
Chennai.



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N. ANAND VENKATESH., J
KP

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