



WEB COPY



Crl.OP.No.15722 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 04.07.2024

CORAM

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

Crl.OP.No.15722 of 2024

and

Crl.MP.No.9613 of 2024

G.Ramesh

... Petitioner

Vs.

S.Sundar

... Respondent

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS, to allow this petition and set aside the order passed in Crl.MP.No.2388 of 2024 in C.A.No.96 of 2024 dated 03.06.2024 in so far as the condition to deposit 20% of the cheque amount (i.e.) Rs.16,00,000/- for suspending the sentence and compensation imposed by the trial Court.

For Petitioner : Mr.Charles Kamalesh M.Appaji

**ORDER**

The petitioner herein is an accused in a case registered for the offence under Section 138 of Negotiable Instruments Act found guilty by the trial court by judgment dated 04.04.2024.

2. The value of the cheque involved in the complaint is



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Rs.47,00,000/-. The trial Court while convicting the petitioner and sentenced him to undergo one year simple imprisonment directed him to pay compensation of Rs.80,00,000/- within in a period of one month. Being aggrieved, the petitioner has filed appeal before the Principal District and Sessions Court at Thiruvallur and the same was taken on file in C.A.No.96 of 2024.

3. When the petitioner sought for suspension of sentence, the lower Appellate Court allowed the application on condition that he should deposit 20% of the compensation amount on or before 03.08.2024. The present petition under 482 of Cr.P.C is filed to modify the condition stating that he has fair chance of successful appeal. Therefore, the condition to deposit Rs.16,00,000/- on or before 03.08.2024 is very onerous. Taking in to consideration his poor financial capacity and inability to pay the conditional amount, the learned counsel prays modification.

4. The subject matter of petition is the cheque dated 22.09.2024 drawn in favour of the complainant for a sum of Rs.46,00,000/- . After four years, judgment has been passed by the trial Court directing the



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accused to pay compensation of Rs.80,00,000/- as against the cheque value of Rs.47,00,000/- . The Appellate Court has imposed condition to deposit 20% of the compensation amount ie., Rs.16,00,000/- as a condition for suspension of sentence.

5. Taking note of the fact that the compensation is almost double the cheque amount, this Court is of the view that the condition to modify to the effect that the petitioner/accused deposit 20% of the cheque amount i.e.,Rs.9,40,000/- on or before 03.08.2024.

6. With the above modification, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

**04.07.2024**

Vv

To

The Public Prosecutor,  
High Court of Madras, Chennai.

**Dr.G.JAYACHANDRAN,J.**



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