



Crl.O.P.No.18202 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

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

Crl.O.P.No.18202 of 2024

Gomathi

... Petitioner

Vs.

P.Kandasamy

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside and modify one of the conditions to deposit 20% of the cheque amount passed in Crl.M.P.No.1 of 2024 in Crl.A.No.13 of 2024, dated 05.01.2024 on the file of the Principal District and Sessions Judge, Erode.

For Petitioner : Mr.C.S.Saravanan

ORDER

The petitioner herein found guilty and convicted for offence under Section 138 of Negotiable Instruments Act. Having preferred appeal before the District Court, Erode in C.A.No.13 of 2024, she has sought for suspension of sentence. The lower appellate Court on 05.01.2024 directed the petitioner herein to deposit 20% of the cheque amount i.e., Rs.60.000/- as condition to avail suspension of sentence, 30 days time was granted to deposit the 20% of the cheque amount and 15 days time



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Dr.G.JAYACHANDRAN,J.

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to execute a bond after depositing. The said order is under challenge in this Criminal Original Petition.

2. This Court finds no error in the order directing the petitioner to deposit 20% of compensation amount. However, finds that there is an error in fixing the upper limit for deposit, when the law under Section 148 of N.I.Act, provides 60 days time to deposit the conditional amount of 20% compensation amount, the lower appellate Court has given only 30 days time.

3. In the light of the above fact, time to deposit 20% of the cheque amount is extended upto 14.08.2024. All other conditions shall stands. Accordingly, this Criminal Original Petition is disposed of.

01.08.2024

Neutral Citation : Yes/No

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To

The Principal District and Sessions Judge, Erode.

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