



WEB COPY



CrI.OP.No21042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.OP.No.21042 of 2024

- 1.M/s.Keygee Bright Livestock India Private Limited
Rep by its Managing Director,
Mr.G.V.Karthisankar
S.F.No.22C, Senthana Kanthan Complex,
Erode Main Road, Gobichettipalayam,
Erode District.
2. Mr.G.V.Karthisankar
S/o.Velingiri
Managing Director,
M/s.Keygee Bright Livestock India Private Limited
S.F.No.22C, Senthana Kanthan Complex,
Erode Main Road, Gobichettipalayam,
Erode District.
3. Mr.Gayathiri
W/o. G.V.Karthisankar
M/s.Keygee Bright Livestock India Private Limited
S.F.No.22C, Senthana Kanthan Complex,
Erode Main Road, Gobichettipalayam,
Erode District.

... Petitioners

Vs.

1. M.Chenniappan
2. The State Represented by
The Public Prosecutor,
Tirupur.

... Respondents



Crl.OP.No21042 of 2024

Prayer: Criminal Original Petition is filed under Section 528 of BNSS , to set aside and modify the conditions imposed in Para 4(2) in Crl.MP.No.02 of 2023 in C.A.No.306/2023 dated 28.06.2024 in regarding with condition imposed by the I Additional District and Sessions Judge at Tiruppur.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed challenging the condition imposed by the lower Appellate Court to deposit 20% of the compensation amount to avail suspension of sentence.

2. The learned counsel appearing for the petitioner submits that Section 148 of Negotiable Instruments Act is not mandate in every case that the Appellate Court should impose condition to deposit 20% of the compensation amount. The discretion has to be used appropriately by the Court and reasons has to be assigned for imposing 20% of the compensation amount as a pre condition. The learned counsel to buttress his submissions also rely upon the recent judgment of the Hon'ble



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Supreme Court rendered in ***Jamboo Bhandari /Vs/ M.P State Industrial Development Corporation Ltd and Others.***

3. This Court on perusing the judgment cited as well as the facts of the case in hand found that the complaint under Section 138 of Negotiable Instruments Act for dishonouring the cheque issued for Rs.4,00,000/- was filed in the year 2015. The Court below has completed trial after eight years and delivered judgment of conviction on 07.02.2023.

4. Challenging the said order, the petitioner herein has preferred the appeal and pending appeal he has sought for suspension of sentence. The imposition of condition to deposit 20% of the compensation amount does not appear to be without any application of mind. The long pendency of the trial and the present appeal filed which may further delay the complainant to enjoy the fruits of the judgment has led to impose condition to deposit 20% of the compensation amount which is in tune with Section 148 of the Negotiable Instruments Act. Therefore, the petition stands dismissed.



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5. The learned counsel appearing for the petitioner seeks extension of time to deposit 20% of the compensation amount since the time fixed by the lower Appellate Court is expired.

6. Considering the reasons and facts of the case, the petitioner is hereby directed to deposit 20% of the compensation amount i.e., Rs.92,276/- within a period of thirty days from today.

30.08.2024

Vv

To

1. The I Additional District and Sessions Judge,
Tiruppur
2. The Public Prosecutor,
Tirupur.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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