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Crl. O.P.No.21557 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.21557 of 2024

Sree Devi Infra Constructions Private Limited
Represented by its Managing Director Sree Devi .. Petitioner

Vs.

1. State Represented by Public Prosecutor
2. S.Ravichandran .. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C/528 of BNSS Act to set aside the condition No.1 that “ Condition that to deposit 20% of the compensation amount before the trial Court, by the order of the vacation Judge Tiruppur in Crl.MP.No.1 of 2024 in Crl.A.No.163 of 2024 dated 23.05.2024.

For Petitioner : Mr.J.Franklin

ORDER

This Criminal Original Petition is filed to set aside the condition No.1 imposed by the lower Appellate Court, directing the petitioner to deposit 20% of the compensation amount as condition for suspension of



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sentence, is challenged is before this Court.

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2. This Court on perusing the impugned order finds that the cheque dishonoured case filed in the year 2018 ended in conviction in the year 2024. Against the order of conviction, the appeal preferred by the petitioner and the pending appeal, suspension of sentence sought.

3. While considering the application for suspension of sentence, the lower Appellate Court has imposed condition to deposit 20% of the compensation amount.

4. According to the petitioner, the said condition is a mechanical order without application of mind. However, from the impugned order, this Court finds that the lower Appellate Court has applied his mind after referring Judgement of the High Court of Madras as well as the Punjab and Haryana and the facts of the case in hand, has imposed condition to deposit 20% of the compensation amount.

5. Section 148 of the Negotiable Instruments Act provides for suspension of sentence imposing condition, sentence by the Appellate Court by imposing condition to deposit 20% of the compensation



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amount.

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6. It is a case which is pending for more than six years for completion of trial ended in conviction and therefore, the lower Appellate Court has though fit that 20% of the compensation amount to be deposited as condition for suspension of sentence.

7. Taking note of the facts and circumstances of the case, this Court finds no illegality or infirmity in the said order. Hence, this Criminal Original Petition stands dismissed.

18.10.2024

Vv

To

1. The Vacation Judge Tiruppur
2. The Public Prosecutor,
High Court of Madras.



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Dr.G.JAYACHANDRAN,J.

Vv

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