



WEB COPY



CrI.O.P.No.23452 of 2024

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

DATED : 25.09.2024

CORAM

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

CrI.O.P.No.23452 of 2024

E.J.Upendrasai.

... Petitioner/Accused

-VS-

N.Prakash.

... Respondent/Complainant

**Prayer:** Criminal Original Petition is filed under Section 528 of BNSS., to modify the condition of the petitioner shall deposit 20% of compensation amount for period of sixty days before the Judicial Magistrate, Tiruthani to the credit of STC No.334 of 2022, the order dated 05.08.2024 made in CrI.M.P.No.4285 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur, enabling the petitioner to comply with the order.

For Petitioner : Mr.M.Vetrivel

**ORDER**

This Criminal Original Petition is filed to modify the condition imposed by the First Appellate Court for suspension of sentence, against the conviction imposed for offence under Section 138 of N.I. Act.



Crl.O.P.No.23452 of 2024

WEB COPY

2. The petitioner herein found guilty of issuing a cheque for Rs.15,00,000/- without sufficient fund in his account. The Judicial Magistrate, Tiruttani, while convicting the petitioner has imposed compensation of Rs.30,00,000/-, which is the double the cheque amount. When the Criminal Appeal filed along with the suspension of sentence, the Principal District and Sessions Judge, Tiruvallur, has thought fit to suspend the sentence by imposing condition to deposit 20% of the compensation amount before the trial Court to the credit of STC.No.334/2022, which construed as Rs.6 lakhs.

3. Being aggrieved by the order of the Principal District and Sessions Judge, Tiruvallur, the present Criminal Original Petition is filed for modification.

4. The Learned Counsel for the petitioner states that the compensation of double the cheque amount is exorbitant and therefore, condition to deposit 20% of the compensation amount has to be modified.

5. This Court, on considering the facts of the case holds that for



CrI.O.P.No.23452 of 2024

borrowing of Rs.3,00,000/- with agreement to repay it with 24% of interest, the subject cheque been given to discharge the debt for Rs.15 lakhs.

6. The trial Court while holding the petitioner guilty had awarded twice the cheque amount as compensation. Considering the said fact, it is appropriate to modify the condition imposed for suspension of sentence by directing the petitioner herein to deposit Rs.3,00,000/- being 10% of the compensation amount. The petitioner shall deposit the said amount in the STC account on or before 15.10.2024. On such deposit, the petitioner shall move the First Appellate Court for suspension of sentence and seek appropriate remedy.

7. With this observation, this Criminal Original Petition is disposed of.

25.09.2024

Index : Yes/No.  
Internet :Yes/No.  
bsm

To:-

1. The Judicial Magistrate, Tiruthani.
2. The Principal District and Sessions Judge, Thiruvallur.



WEB COPY



CrI.O.P.No.23452 of 2024



WEB COPY



CrI.O.P.No.23452 of 2024

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

bsm

CrI.O.P.No.23452 of 2024

25.09.2024