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CrI.O.P.No.27283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.27283 of 2024

Kavitha

... Petitioner

Vs.

Seethalakshmi

...Respondent

Prayer: Criminal Original Petition filed under Section 528 BNSS, to set aside the condition (ii) which is to deposit 20% of the cheque amount of Rs.13,00,000/- before the trial Court as compensation to the respondent/complainant within 60 days in the order dated 06.06.2024 in CrI.M.P.No.01/2024 in Criminal Appeal No.10/2024 passed by the learned Sessions Judge, Karaikal.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.M.R.Kuyilan

ORDER

This petition has been filed seeking to set aside the conditional order passed by the learned Sessions Judge, to deposit 20% of the cheque amount of Rs.13,00,000/- before the trial Court as compensation to the respondent/



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complainant.

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2 Learned counsel for the petitioner would submit that the respondent filed complaint against the petitioner for the offence under Section 138 of Negotiable Instruments Act (in short “NI Act”), which was taken on file in S.T.C.No.761 of 2022. The learned Judicial Magistrate No.I, Karaikal, by judgment dated 09.05.2024 found the petitioner guilty for the offence under Section 138 of NI Act and convicted and sentenced her to undergo simple imprisonment for one year and further directed to pay Rs.13,00,000/- as compensation. Aggrieved against the same, the petitioner filed an appeal in Criminal Appeal No.10 of 2024 before the learned Sessions Judge at Karaikal. The learned Sessions Judge, while allowing the petition seeking suspension of sentence, imposed condition to deposit 20% of the cheque amount of Rs.13,00,000/.

2.1 Learned counsel for the petitioner would further submit that admittedly the cheque amount is only Rs.8.00 lakhs and Rs.13.00 lakhs is a compensation awarded by the trial Court, but the Act says 20% on the cheque amount. Therefore the order of the learned Sessions Judge, Karaikal, dated 06.06.2024 is liable to be set aside.

3 Heard the learned counsel on either side and perused the materials



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available on record.

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4 Admittedly the cheque amount is Rs.8.00 lakhs. The lower appellate Court, while suspending the sentence imposed on the petitioner, directed her to deposit 20% of the cheque amount, but, wrongly mentioned the amount as Rs.13.00 lakhs, which in fact is a compensation awarded by the trial Court. Therefore this Court is inclined to modify the order passed by the learned Sessions Judge, Karaikal.

5 Accordingly, the petitioner is directed deposit 20% of cheque amount of Rs.8.00 lakhs within a period of 15 days from the date of receipt of a copy of this order. All other conditions imposed on the petitioner by the learned Sessions Judge, Karaikal, vide order dated 06.06.2024 shall remain unaltered.

6 With the above modifications, this criminal original petition shall stand disposed of.

14.11.2024

Speaking Order/Non Speaking Order

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To

1. The Sessions Judge, Karaikal.
2. The Judicial Magistrate – I, Karaikal.



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P.VELMURUGAN, J.,

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