



WEB COPY



CrI.O.P.No.28308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.28308 of 2024

and

CrI.M.P.No.15776 of 2024

1.M/s.Pro Visual Audio Pvt., Ltd.,
No.4, Pushpa Nagar, 1st Main Road,
Iyyapanthangal, Chennai – 600 056.

2. Natarajan

3. Maheswari

..... Petitioners

Vs.

M/s.Kotak Mahindra Bank Limited,
Having its branch office at Samson Towers,
4th Floor, Nos.402 & 403, Pantheon Road,
Egmore, Chennai – 600 008,
Rep.by its Associate Vice President

V.Ponraj Thangadurai.

... Respondent

Prayer: Criminal Original Petition is filed under Sections 482 Cr.P.C., and 528 BNSS Act, 2023, to set aside the direction with regard to "Further the petitioners shall deposit 20% of the compensation amount to the credit of CC number on the file of the trial Court within 60 days from the date of this order" and by modifying the same in the order dated 13.09.2024 passed by the learned Principal Sessions Judge, Chennai, till the disposal of the appeal.



WEB COPY



Crl.O.P.No.28308 of 2024

For Petitioner : Mr. K.Pattabhi

ORDER

The petitioners herein found guilty and convicted for the offence under Section 138 of Negotiable Instruments Act. Having preferred appeal before the learned Principal Sessions Judge, Chennai, in Crl.A.No.678 of 2024, they have sought for suspension of sentence. The lower appellate Court on 13.09.2024 in Crl.M.P.No.25813 of 2024 in Crl.A.No.678 of 2024 directed the petitioner herein to deposit 20% of the compensation amount as a condition to avail suspension of sentence, 60 days time was granted to deposit the 20% of the compensation amount. The said order is under challenge in this Criminal Original Petition.

2. Heard the learned counsel for the petitioner and perused the materials available on record,

3. On perusing the impugned order, this Court finds no reason to interfere with the order of the lower appellate Court directing the



CrI.O.P.No.28308 of 2024

petitioner herein to deposit 20% of the compensation amount, as the Statute prescribes 20% of compensation of fine amount as pre-condition for granting suspension of sentence. Hence this Criminal Original Petition to set aside the impugned order of the lower appellate Court stands dismissed. Consequently, connected miscellaneous petition is closed.

13.11.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

ms

To

The Principal Sessions Judge,
Chennai.



WEB COPY



CrI.O.P.No.28308 of 2024

P.VELMURUGAN, J

ms

CrI.O.P.No.28308 of 2024
and
CrI.M.P.No.15776 of 2024

13.11.2024