



WEB COPY



Crl.O.P.No.28277 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.28277 of 2024

&

Crl.M.P.Nos.15748 & 15751 of 2024

Mohamed Yonus

... Petitioner

Vs.

Origin ITFS Private Limited,
Rep. By its Vice President
V.Karthikeyan
No.2/1, Dr.VSI Estate,
Thiruvanmiyur,
Chennai 600 041.

... Respondent

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to set aside and modify the condition imposed by the Additional District and Sessions Judge, Chengalpattu in Crl.M.P.No.2511 of 2024 in C.A.No.76 of 2024 dated 09.09.2024 directing the petitioner to deposit Rs.6,00,000/- and to suspend the sentence of imprisonment without the condition of depositing any amount till the disposal of the said appeal.

For Petitioner : M/s.Tamizh Law Firm



Crl.O.P.No.28277 of 2024

WEB COPY

ORDER

This Criminal Original Petition has been filed as against the one of the condition that was imposed by the learned Additional District and Sessions Judge, Chengalpattu in Crl.M.P.No.2511 of 2024 in C.A.No.76 of 2024 dated 09.09.2024, directing the petitioner to deposit 20% of the compensation amount while suspending the sentence imposed against the petitioner under Section 138 of the Negotiable Instruments Act.

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

3. The learned counsel for the petitioner submitted that the petitioner filed an appeal before the Additional District and Sessions Judge, Chengalpattu against the judgment dated 19.07.2024 in C.C.No.37 of 2022 passed by the learned Judicial Magistrate (FTC), Alandur. While granting suspension of sentence, the learned Sessions Judge passed the conditional order, directing the petitioner to deposit 20% of the compensation amount before the trial court. Being aggrieved over the



Crl.O.P.No.28277 of 2024

WEB COPY

abovesaid order, the petitioner has filed the above criminal original petition.

4. In support of his contentions, he placed reliance on the judgment of the Hon'ble Supreme Court reported in CDJ 2023 SC 841 [Jamboo Bhandari Vs. M.P.State Industrial Development Corporation Limited and Others] and order of this Court dated 22.01.2024 passed in Crl.O.P.No.947 of 2024 [C.R.Balasubramaniam Vs. P.Eswaramoorthi].

5. Admittedly, the petitioner has participated in the trial proceedings for the offence under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate (FTC), Alandur and after considering all the materials, the trial court convicted the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the learned Additional District and Sessions Judge, Chengalpattu in Crl.A.No.76 of 2024. The learned Sessions Judge, while suspending sentence, passed the conditional order. At the time of admitting the appeal, the court can pass conditional order to direct the appellant to



Crl.O.P.No.28277 of2024

deposit 20% of the amount. It is seen that the appellate court has followed the statutory provisions. This Court does not find any reason to interfere with the order passed by the learned Additional District and Sessions Judge, Chengalpattu. The judgments referred by the learned counsel for the petitioner are not applicable to the case on hand.

6. In view of the above, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, the time granted by the appellate court to the petitioner to deposit the 20% of the compensation amount, is extended till 29.11.2024.

13.11.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

Note:

Issue Order Copy on 14.11.2024



WEB COPY



Crl.O.P.No.28277 of2024

P.VELMURUGAN, J.

mfa

Crl.O.P.No.28277 of 2024
&
Crl.M.P.Nos.15748 & 15751 of 2024

13.11.2024