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CrI.O.P.No.28769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.28769 of 2024

and

CrI.M.P.No.16052 of 2024

P.Premraj Kumar

... Petitioner

Vs.

M/s.Sree Goukulam Chit Finance Company Pvt.Ltd.,
Represented by its PA Holder Karuppaiya,
Branch Office D.No.32,
Bunglaow Street,
Opposite to Angel Hotel,
Avinashi Raod, Tiruppur.

... Respondent

Prayer: Criminal Original Petition is filed under Section 583 BNSS, 2023, to allow the above Criminal Original Petition by setting aside the order dated 23.09.2024 passing M.P.No.1 of 2024 in C.A.No.204 of 2024 on the file of the Principal Sessions Judge, Tiruppur.

For Petitioner : Mr.K.Govi Ganesan

ORDER

The petitioner herein found guilty and convicted for the offence under Section 138 of Negotiable Instruments Act. Having preferred



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appeal before the learned Principal Sessions Judge, Tiruppur, in Crl.A.No.204 of 2024, he has sought for suspension of sentence. The lower appellate Court on 23.09.2024 in M.P.No.1 of 2024 in Crl.A.No.204 of 2024 directed the petitioner herein to deposit 20% of the compensation amount as a condition to avail suspension of sentence and 15 days time was granted to deposit the 20% of the compensation amount. The said order is under challenge in this Criminal Original Petition.

2. Learned counsel appearing for the petitioner submitted that since the petitioner is suffering from chronic disease, he is unable to mobilise 20% of the compensation amount and seeks modification of the said order.

3. On perusing the impugned order, this Court finds no reason to interfere with the order of the lower appellate Court directing the petitioner herein to deposit 20% of the compensation amount, as the Statute prescribes 20% of compensation 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



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dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
ms

To

The Principal Sessions Judge,
Tiruppur.



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P.VELMURUGAN, J

ms

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