



CrI.O.P.No.28929 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.28929 of 2024

Kumarasamy

... Petitioner

Vs.

K.Suresh

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to modify the order dated 01.04.2024 in CrI.M.P.No.9978 of 2024 in C.A.No.246 of 2024, passed by the III Additional Sessions Judge, Principal Sessions Judge (Full Additional Charge) at Chennai and now C.a.No.246 of 2024 on the file of IV Additional Sessions Court, Chennai.

For Petitioner : Mr.R.Thirumoorthy

ORDER

This Criminal Original Petition has been filed by the petitioner to modify the order dated 01.04.2024 passed in CrI.M.P.No.9978 of 2024 in C.A.No.246 of 2024, by the III Additional Sessions Judge, Principal Sessions



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Judge (Full Additional Charge) at Chennai and now in C.A.No.246 of 2024 on the file of the IV Additional Sessions Court, Chennai.

2. The learned counsel for the petitioner submitted that the respondent made a private complaint against the petitioner under Section 138 of N.I. Act in C.C.No.1741 of 2020 on the file of the XXV Metropolitan Magistrate, Egmore, Chennai, and the same was allowed by the trial Court vide order dated 04.03.2024 and the petitioner was convicted to undergo one year Simple Imprisonment and was directed to pay the cheque amount of Rs.10 lakhs as compensation to the respondent/complainant within one month and in default, to undergo imprisonment for a further period of one month. Challenging the same, the petitioner filed an appeal before the Principal Judge, City Civil Court, Chennai in C.A.No.246 of 2024 and also filed a petition in CrI.M.P.No.9978 of 2024 to suspend the sentence and the learned Judge, by order dated 01.04.2024, suspended the sentence till the disposal of the appeal on condition to execute a bond for Rs.10,000/- with two sureties each for a like



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sum to the satisfaction of the Court concerned and also directed the petitioner

to pay 20% of the compensation amount to the credit of C.C. Number within a period of 60 days from the date of order. The contention of the petitioner is that as per the order of the appellate Court, the petitioner has to deposit a sum of Rs.2 lakhs before the trial Court. But, due to financial commitment, the petitioner could not comply with the said condition with the time stipulated by the Appellate Court. He would further submit that now the petitioner managed to arrange the said sum and he is ready to deposit the 20% of the compensation amount before the trial Court. Hence, he seeks modification of the condition imposed by the Appellate Court in respect of time limit alone to deposit the 20% of the compensation amount.

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

4. Since, no adverse order is passed against the respondent, notice to the respondent is dispensed with.



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5. Considering the facts and circumstances of the case, the condition with regard to time period of 60 days to deposit the 20% of the compensation amount, imposed by the III Additional Sessions Judge, Principal Sessions Judge (Full Additional Charge) at Chennai in CrI.M.P.No.9978 of 2024 in C.A.No.246 of 2024 dated 01.04.2024, is modified and the petitioner is directed to deposit 20% of the compensation amount before the trial Court to the credit of C.C. Number on or before 27.11.2024.

6. With the above directions, this Criminal Original Petition is disposed of.

19.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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Note: Issue Order Copy On 21.11.2024



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To

WEB COPY

1. The III Additional Sessions Judge,
Principal Sessions Judge (Full Additional Charge)
Chennai
2. The IV Additional Sessions Court, Chennai.
3. The XXV Metropolitan Magistrate,
Egmore, Chennai,
4. The Public Prosecutor,
High Court of Madras.



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P.VELMURUGAN. J.

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