



CrI.O.P.No. 4290 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No. 4290 of 2025
and CrI.M.P. No. 2702 of 2025

D.Amutha

.... Petitioner

Vs

G.Rajalakshmi

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2025, to set aside the order dated 10.12.2024 in CrI.M.P.No.4245 of 2024 in CrI.A.No.100 of 2024 on the file of the Principal Sessions Judge Court, at Krishnagiri, in so far it imposes a condition on the petitioner to deposit 20% of the compensation amount.

For Petitioner : Mr.S.Jeevitha Ramani

ORDER

This Criminal Original Petition has been filed challenging the order dated 10.12.2024 passed in CrI.M.P.No.4245 of 2024 in CrI.A.No.100 of 2024 by the Principal Sessions Judge, Krishnagiri, thereby imposed the condition that the petitioner shall deposit 20% of the



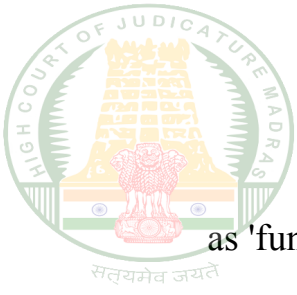
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compensation amount while suspending the sentence.

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2. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act in S.T.C.No.139 of 2020 on the file of the Judicial Magistrate, Fast Track Court, Hosur. After a full-fledged trial, the Trial Court convicted the petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced her to undergo six months of simple imprisonment and also ordered her to pay a compensation of Rs.20,00,000/- (the cheque amount). Aggrieved by the same, the petitioner preferred an appeal and also filed an application to suspend the sentence. The Appellate Court, while suspending the sentence, imposed the condition that the petitioner shall deposit 20% of the compensation amount.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the respondent are close relatives and the petitioner is running a super market. While being so, the petitioner approached the respondent for a loan of Rs.20,00,000/-. After receiving the loan amount, the petitioner issued a cheque towards the repayment of the loan. The specific case of the petitioner is that she never borrowed any loan and never issued any cheque. In fact, the cheque was returned



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as 'funds insufficient'.

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4. In view of the above, this Court is inclined to modify the condition imposed on the petitioner by the Appellate Court, by reducing the same into 10% of the cheque amount to be deposited by the petitioner. Accordingly, the condition imposed on the petitioner by the Principal Sessions Judge, Krishnagiri, in CrI.M.P.No.4245 of 2024 in CrI.A.No.100 of 2024, dated 10.12.2024, is modified to the effect that the petitioner shall deposit 10% of the compensation amount on or before **28.02.2025**, failing which, the Appellate Court is directed to proceed with the trial as against the petitioner in accordance with law.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

18.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To
The Principal Sessions Judge Court,
Krishnagiri,

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