



Crl.O.P.No.2842 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

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

Crl.O.P.No.2842 of 2025

Bindhu

... Petitioner

Vs

D.Aalis Mary @ S.Mary

... Respondent

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to modify the condition imposed upon the petitioner to deposit the amount of Rs.50,000/- found in the order passed by the Principal District and Sessions Judge, Chengalpattu, dated 12.12.2024 in Crl.M.P.No.1507 of 2024 in C.A.No.104 of 2023.

For Petitioner : Mr.S.Govindarajulu

ORDER

This petition has been filed to modify the condition imposed upon the petitioner to deposit the amount of Rs.50,000/- found in the order passed by the Principal District and Sessions Judge, Chengalpattu, dated 12.12.2024 in Crl.M.P.No.1507 of 2024 in C.A.No.104 of 2023.



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

3. The petitioner is an accused in the complaint lodged by the respondent for the offence punishable under Section 138 of Negotiable Instruments Act. After fulfilled trial, the Trial Court had convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced her to undergo simple imprisonment for a period of three months and also awarded compensation to the tune of Rs.2,75,000/-. Aggrieved by the same, the petitioner preferred an appeal before the Appellate Court and the Appellate Court, while suspending the sentence, imposed a condition to deposit a sum of Rs.50,000/- to the credit of Trial Court, on or before 21.01.2025.

4. The learned counsel for the petitioner would submit that the petitioner is a poor widow and as such, she could not able to mobilize huge amount, since the entire case is a false one.



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5. The provisions under Section 148 of Negotiable Instruments Act provides power of Appellate Court to impose conditions depends upon the facts of the case. The Trial Court had already convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act.

6. Therefore, the Appellate Court had rightly found that it is fit to impose a condition to deposit 20% of the cheque amount as contemplated under Section 148 of Negotiable Instruments Act and this Court finds no infirmity or illegality in the order passed by the Appellate Court. However, the time to comply with the order passed in Crl.M.P.No.1507 of 2024 in C.A.No.104 of 2023 dated 12.12.2024, on the file of the learned Principal District and Sessions Judge, Chengalpattu, is extended till 24.02.2025, failing which the Appellate Court is directed to proceed as against the petitioner in accordance with law.

7. Accordingly, this Criminal Original Petition is dismissed.

05.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Principal District and Sessions Judge, Chengalpattu.
2. The Public Prosecutor,
High Court, Madras.

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