



Crl.O.P.No.3648 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

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

Crl.O.P.No.3648 of 2025

Divyesh Palicha

... Petitioner

Vs

C.M.Babu

... Respondent

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set-aside and modify condition of depositing 20% of the cheque amount imposed on the petitioner/appellant in the order 15.11.2024 in Crl.MP.No.31834 of 2024 in Criminal Appeal No.861 of 2024 passed by the XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai allow this Crl.OP.

For Petitioner : Mr.S.Marshall

ORDER

This petition has been filed to set-aside and modify condition of depositing 20% of the cheque amount imposed on the petitioner/appellant in the order 15.11.2024 in Crl.MP.No.31834 of 2024 in Criminal Appeal No.861 of 2024 passed by the XIX Metropolitan



Crl.O.P.No.3648 of 2025

Magistrate, Egmore at Allikulam, Chennai.

WEB COPY

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

3. The petitioner is an accused in the private complaint lodged by the respondent for the offence punishable under Sections 138 of NI Act, in S.T.C.No.3067 of 2023, on the file of the XIX Metropolitan Magistrate, Egmore, Chennai. After fulfilled Trial, the petitioner was convicted for the offence punishable under Sections 138 of NI Act and sentenced him to undergo two years simple imprisonment and also to pay double the cheque amount. Aggrieved by the same, the petitioner preferred an appeal in C.A.No.861 of 2024 and also filed an application to suspend the sentence. The appellate Court suspended the sentence, on condition that the petitioner shall deposit 20% of the cheque amount, within a period of 60 days from the date of receipt of the order dated 15.11.2024.



Crl.O.P.No.3648 of 2025

WEB COPY

4. The appellate Court rightly imposed condition as contemplated under Section 148 of NI Act. In fact, the appellate Court granted time for 60 days to deposit 20% of the cheque amount.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the appellate Court in Crl.MP.No.31834 of 2024 in Criminal Appeal No.861 of 2024 dated 15.11.2024 by the XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai. However, the time to comply with the said order is hereby extended till 24.02.2025. If the petitioner failed to comply with the condition imposed by the appellate Court on or before 24.02.2025, the appellate Court is directed to proceed as against the petitioner, in accordance with law.

6. Accordingly, this Criminal Original Petition is dismissed.

12.02.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.O.P.No.3648 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The XIX Metropolitan Magistrate, Egmore at Allikulam,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.3648 of 2025

12.02.2025