



Crl.O.P.No.7553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

CORAM:

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

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K.Balasubramaniam

... Petitioner

Vs

M/s.T.J.Financial Consultancy and Investments (P) Ltd.,
No.9, K.R.Koil Street,
1st Floor, West Mambalam,
Chennai - 600 033.

Represented By Its Manager
A.S.Kannan

... Respondent

PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to delete and set aside the conditional order of the lower appellate court in Para No.7, “further the petitioner shall deposit 15 percentage of the compensation amount to the credit of STC No.10/2022 on the file of the trial court within 60 days passed in CRL.MP.No.21767/2024 in CA.No.561/2024 dated 06.08.2024 on the file of the Principal Sessions Judge at Madras.

For Petitioner : Mr.T.I.Ramanathan

ORDER

This petition has been filed to delete and set aside the conditional order of the lower appellate court in Para No.7, “further the petitioner shall



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deposit 15 percentage of the compensation amount to the credit of STC No.10/2022 on the file of the trial court within 60 days passed in CRL.MP.No.21767/2024 in CA.No.561/2024 dated 06.08.2024 on the file of the Principal Sessions Judge at Madras.

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 six months and also awarded compensation to the tune of Rs.12,00,000/-. Aggrieved by the same, the petitioner preferred an appeal before the Appellate Court in CrI.M.P.No.21767 of 2024 in C.A.No.561 of 2024 and the Appellate Court, by an order dated 06.08.2024, while suspending the sentence, imposed a condition to deposit 15% of the compensation amount to the credit of Trial Court, within a period of sixty days. The petitioner is unable to pay the said



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amount awarded by the Trial Court. Hence, this petition.

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4. It is seen that the petitioner failed to satisfy this Court to avail the benefit under the exceptional category.

5. Therefore, this Court finds no infirmity or illegality in the order passed in CRL.MP.No.21767 of 2024 in CA.No.561 of 2024 dated 06.08.2024 on the file of the Principal Sessions Judge at Madras. However, the petitioner is at liberty to comply with the condition imposed by the appellate Court on or before 24.03.2025, failing which the Appellate Court is directed to proceed as against the petitioner in accordance with law.

6. Accordingly, this Criminal Original Petition is dismissed.

14.03.2025

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



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G.K.ILANTHIRAIYAN. J.

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To

1. The Principal Sessions Judge at Madras.
2. The Public Prosecutor,
High Court, Madras.

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