



Crl.O.P.No.8443 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2025

CORAM:

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

Crl.O.P.No.8443 of 2025

and

Crl.M.P.No.5544 of 2025

1. Arubadai Coconut Product
Rep.by its Proprietor Mr.Radhakrishnan
No.9/38, Veppankadu, Alampadi Post,
Kangayam Taluk, Tiruppur District.

2. Radhakrishnan

... Petitioners

Vs.

Pradeepkumar

... Respondent

PRAYER: The Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside and modify the condition imposed by the learned III Additional District and Sessions Judge, Dharapuram in Crl.MP.No.01 of 2024 in Crl.A.No.276 of 2024 dated 10.02.2025.

For Petitioner : Mr.N.Stalin



CrI.O.P.No.8443 of 2025

ORDER

WEB COPY This Criminal Original Petition has been filed to set aside and modify the condition imposed by the learned III Additional District and Sessions Judge, Dharapuram in CrI.MP.No.01 of 2024 in CrI.A.No.276 of 2024 dated 10.02.2025.

2. The petitioner is an accused in the complaint lodged by the respondent for an offence under Sections 138 and 142 of Negotiable Instruments Act in S.T.C.No.77 of 2020 on the file of the learned Judicial Magistrate, Kangeyam. After trial, the learned Judicial Magistrate, Kangeyam has convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo simple imprisonment for one month and also awarded compensation to the cheque amount for Rs.5,00,000/- . Aggrieved against the same, the petitioner has preferred an appeal and also filed an application to suspend the sentence in CrI.MP.No.1 of 2024 in C.A.No.276 of 2024.

3. The Appellate Court vide order dated 10.02.2025 has suspended the sentence imposed on the petitioner on condition that the petitioner should deposit 20% of the cheque amount awarded by the trial Court within a month to the credit of trial Court.



CrI.O.P.No.8443 of 2025

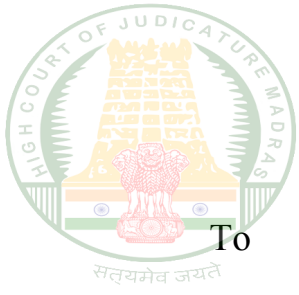
4. The learned counsel for the petitioner submitted that the petitioner, pending trial, filed an application for declaration to declare the insolvency in I.P.No.1 of 2019 and it is pending for adjudication. Therefore, the petitioner could not able to comply condition. After cheating so many persons, the petitioner simply filed insolvency petition which would not amount to exceptional circumstances in order to attract the Judgement of the Hon'ble Supreme Court of India rendered in ***Jamboo Bhandari /Vs/ Madhya Pradesh State Industrial Development Limited and Others*** (2023) 10 SCC 446.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the Appellate Court. Hence, this Criminal Original Petition is dismissed. However, the time fixed by the Appellate Court is extended till 15.04.2025. If the petitioner fails to comply with condition imposed by this Court on or before 15.04.2025, the Appellate Court is directed to proceed as against the petitioner in accordance with law.

21.03.2025

Vv

Note: Issue Order Copy on 24.03.2025



CrI.O.P.No.8443 of 2025

To

WEB COPY

1. The III Additional District and Sessions Judge,
Dharapuram
2. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



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G.K.ILANTHIRAIYAN, J.
Vv

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