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Crl.O.P.No.13985 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2025

CORAM:

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

Crl.O.P.No.13985 of 2025

C.Gopalakrishnan

....

Petitioner

Vs

A.Murugesan

....

Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to modify the condition in the para 5(iii) imposed in Crl.M.P.No.492/2025 order dated 08.04.2025 the file of Principal Sessions Judge, Ranipet in any of the nationalized bank as mentioned in the order in Crl.M.P.No.492/2025.

For Petitioner : Mr.CSamba Murthy

ORDER

This Criminal Original Petition has been filed challenging the order dated 08.04.2025 passed in Crl.M.P.No.492 of 2025 in Crl.A.No.26 of 2025, thereby suspending the sentence imposed on the petitioner subject to the condition that the petitioner shall deposit 20% of the compensation amount before the Trial Court to the credit of C.C.No.67 of 2024.

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2. Heard the learned counsel appearing for the petitioner

and perused the materials available on record.

3. 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 C.C.No.67 of 2024 on the file of the Judicial Magistrate No.II, Arakkonam. After a full-fledged trial, the Trial Court convicted the petitioner for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo simple imprisonment for a period of two months and also awarded compensation to the cheque amount. Aggrieved by the same, the petitioner preferred an appeal along with an application seeking suspension of sentence imposed by the Trial Court. The Appellate Court, by an order dated 08.04.2025, suspended the sentence on condition that the petitioner shall deposit 20% of the cheque amount to the credit of C.C.No.67 of 2024.

4. The learned counsel appearing for the petitioner would submit that the petitioner is unemployed, diabetic and has no source of income to deposit 20% of the cheque amount, i.e., Rs.50,000/-. However,



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he is willing to deposit Rs.20,000/-. Hence, he seeks modification of the

WEB COPY order dated 08.04.2025 in Crl.M.P.No.492 of 2025 in Crl.A.No.26 of 2025.

5. In view of the above, this Court is not inclined to modify the condition imposed on the petitioner in Crl.M.P.No.492 of 2025 in Crl.A.No.26 of 2025, on the file of the Principal Sessions Judge, Ranipet. Accordingly, this Criminal Original Petition stands dismissed. However, the Appellate Court is directed to proceed with the appeal in accordance with law.

30.04.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1. The Principal Sessions Judge,
Ranipet.
2. The Judicial Magistrate No.II,
Arakkonam.



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G.K.ILANTHIRAIYAN, J.

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