



Crl.O.P.No.27998 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

Coram:

**THE HONOURABLE MR. JUSTICE P.VELMURUGAN**

Crl.O.P.No.27998 of 2024

and

Crl.M.P.No.15337 of 2024

Premalatha

... Petitioner

Vs.

U.Karpagavalli

... Respondent

**Prayer:** Criminal Original Petition filed under Section 528 of B.N.S.S. to set aside the condition imposed on the petitioner by the Principal District and Sessions Judge, Thiruvallur that the petitioner herein is directed to deposit 20% of the compensation amount before the trial Court to the credit of STC No.226 of 2016 within a period of 60 days by order dated 09.09.2024 passed in Crl.M.P.No.4947 of 2024 in Crl.A.No.155 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur.

For Petitioner : Mr.Thiyagarajan B

For Respondent : Mr.P.Vishnu



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## ORDER

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This Criminal Original Petition has been filed to set aside the condition imposed by the Principal District and Sessions Judge, Thiruvallur, directing the petitioner to deposit 20% of the compensation amount before the trial Court to the credit of STC No.226 of 2016 within a period of 60 days by order dated 09.09.2024 passed in Crl.M.P.No.4947 of 2024 in Crl.A.No.155 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur.

2. The learned counsel for the petitioner submitted that the petitioner's husband is a retired person from Indian Airforce and as a pensioner, they are unable to mobilise the fund since the said 20% of the compensation amount itself comes to Rs.6 lakhs. Hence, the present petition is filed.

3. Heard both sides and perused the materials available on record.

4. It is seen that the petitioner is arrayed as an accused in STC No.226 of 2016 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level) Ambattur. The learned Magistrate after conclusion of enquiry, found



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that the petitioner has committed offence under Section 138 of the Negotiable

Instruments Act and thereby, convicted and sentenced her and also directed her to pay double the cheque amount to the complainant as compensation.

Challenging the same, the petitioner preferred appeal in CrI.A.No.155 of 2024 before the Principal District and Sessions Judge, Tiruvallur and she also filed a petition in M.P.No.4947 of 2024 to suspend the sentence imposed by the Magistrate. The learned Sessions Judge allowed the said petition on condition directing the petitioner to deposit 20% of the compensation amount to the credit of STC No.226 of 2016. Aggrieved by the same, the present petition is filed before this Court.

5. It is to be noted that Section 145 of the Negotiable Instruments Act empowers the appellate Judge to impose a condition directing the accused to deposit upto 20% of the compensation amount while suspending the sentence. Therefore, this Court does not find any perversity in the order passed by the appellate Court.



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6. However, considering the representation made by the petitioner, the said condition is modified and instead of 20% of the compensation amount, the petitioner is directed to deposit 10% of the compensation amount to the credit of STC No.226 of 2016 on or before 31.01.2025 before the Magistrate failing which, this order itself shall stand dismissed automatically without any further reference to this Court.

7. In case the petitioner complies the above said condition, the learned Sessions Judge shall accept the modified condition and hear the appeal and dispose of the same on merits and in accordance with law.

8. With the above modification and directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

22.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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**Note: Issue order copy on 23.01.2025.**

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To

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1. The Principal District and Sessions Judge, Thiruvallur
2. The Judicial Magistrate, Fast Track Court (Magisterial Level),  
Ambattur.



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**P.VELMURUGAN. J.**

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22.01.2025

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