



Crl.O.P.Nos.28000, 28001 and 28002 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.Nos.28000, 28001 and 28002 of 2024 and

Crl.M.P.Nos.15538, 15539 and 15540 of 2024

In Crl.O.P.No.28000 of 2024

S.Sadhasivam

... Petitioner

Vs.

S.Ulaganathan

... 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.224 of 2016 within a period of 60 days by order dated 09.09.2024 passed in Crl.M.P.No.4945 of 2024 in Crl.A.No.153 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur.

In Crl.O.P.No.28001 of 2024

S.Sadhasivam

... Petitioner

Vs.

S.Ulaganathan

... Respondent



Crl.O.P.Nos.28000, 28001 and 28002 of 2024

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.222 of 2016 within a period of 60 days by order dated 09.09.2024 passed in Crl.M.P.No.4944 of 2024 in Crl.A.No.152 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur.

In Crl.O.P.No.28002 of 2024

S.Sadhasivam

... 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.225 of 2016 within a period of 60 days by order dated 09.09.2024 passed in Crl.M.P.No.4946 of 2024 in Crl.A.No.154 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur.

In Crl.O.Ps.

For Petitioner : Mr.Thiyagarajan B

For Respondent : Mr.P.Vishnu



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COMMON ORDER

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These Criminal Original Petitions have been filed by the petitioner 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 Nos.224, 222 and 225 of 2016 respectively within a period of 60 days by order dated 09.09.2024 passed in Crl.M.P.No.4945 of 2024, Crl.M.P.No.4944 of 2024 and Crl.M.P.No.4946 of 2024 in Crl.A.No.153 of 2024, Crl.A.No.152 of 2024 and Crl.A.No.154 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur.

2. The learned counsel for the petitioner submitted that the petitioner is a retired person from Indian Airforce and as a pensioner, they are unable to mobilise the fund since the 20% of the total compensation amount in all the three cases comes to more than Rs.40 lakhs. Hence, the present petitions have been filed.

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



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4. It is seen that the petitioner is arrayed as an accused in STC Nos.224, 222 and 225 of 2016 on the file of the Judicial Magistrate, Fast Track Court (Magisterial Level) Ambattur. The learned Magistrate after conclusion of enquiry, found that the petitioner has committed offence under Section 138 of the Negotiable Instruments Act and thereby, convicted and sentenced the petitioner and also directed him to pay double the cheque amount to the complainant as compensation. Challenging the same, the petitioner preferred appeals in Crl.A.Nos.153, 152 and 154 of 2024 respectively before the Principal District and Sessions Judge, Tiruvallur and he also filed a petitions in M.P.Nos.4945, 4944, 4946 of 2024 respectively to suspend the sentence imposed by the Magistrate. The learned Sessions Judge allowed the said petitions on condition directing the petitioner to deposit 20% of the compensation amount to the credit of STC Nos.224, 222 and 225 of 2016 respectively. Aggrieved by the same, the present petitions have been filed before this Court.



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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.

6. However, considering the representation of the petitioner that the 20% of the total compensation amount in all the three cases comes to more than Rs.40 lakhs, the said condition is modified and instead of 20% of the compensation amount, the petitioner is directed to deposit 10% of the compensation amount each to the credit of STC Nos.224, 222 and 225 of 2016 respectively 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 appeals and



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dispose of the same on merits and in accordance with law.

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8. With the above modification and directions, these Criminal Original Petitions are disposed of. Consequently, connected Miscellaneous Petitions are 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

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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