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Crl.O.P.No. 28244 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM:

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

Crl.O.P.No.28244 of 2024

S.Kanagalakshmi

... Petitioner

Vs.

S.V.K.Kasturi Rangiah

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the condition of deposit of 20% of the compensation amount of Rs.3,40,000/- as imposed by the Appellate Court in Crl.M.P.No.28539 of 2024 in C.A.No.764 of 2024 dated 17.10.2024.

For Petitioner : Mr.J.Nagarajan

ORDER

This Criminal Original Petition has been filed challenging the order passed in Crl.M.P.No.28539 of 2024 in C.A.No.764 of 2024 dated 17.10.2024 on the file of the Principal Sessions Judge at Chennai, thereby



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imposing condition that the petitioner shall deposit 20% of the compensation amount while suspending the sentence.

2. In STC.No.1918 of 2021, the petitioner is an accused in a complaint lodged by the respondent for the offence under Section 138 of Negotiable Instruments Act, 1881. After a full-fledged trial, the Trial Court convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act, 1881 and sentenced him to undergo 6 months of Simple Imprisonment, in addition awarding compensation equivalent to the cheque amount. Aggrieved by the same, the petitioner preferred an appeal and filed an application for suspension of sentence imposed by the Trial Court. The Appellate Court, while suspending the sentence, imposed a condition requiring the petitioner to deposit 20% of the compensation amount in Crl.M.P.No.28539 of 2024 in C.A.No.764 of 2024 within a period of 60 days. Though the petitioner has raised several grounds by way of defence, it is pertinent to note that the petitioner did not even send any reply notice in response to the statutory notice sent by the respondent in relation to the offence under Section 138 of Negotiable Instruments Act, 1881. Despite the petitioner raising further grounds of



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defence, this Court finds no infirmity or illegality in the condition imposed by the Appellate Court. However, the petitioner has failed to comply the condition within the stipulated time.

3. Considering the facts and circumstances of the case, the Criminal Original Petition stands dismissed. However, time is extended for the petitioner to comply with the condition imposed in Crl.M.P.No.28539 of 2024 in C.A.No.764 of 2024 until 20.02.2025. If the petitioner fails to comply the said condition on or before 20.02.2025, the Appellate Court is directed to proceed further in accordance with law.

13.02.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

G.K.ILANTHIRAIYAN, J.

shk



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To
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- 1.Principal Session Judge, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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