



Crl.O.P.No.29832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.29832 of 2024

1. M/s.Jairam Maruti Mills
Rep.by its partner
Mr.Rajan Arumugam.

2. A.Rajan
3. R.Eswari

... Petitioners

Vs.

S.Balakrishnan

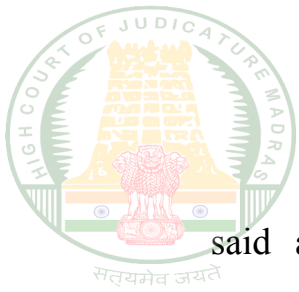
... Respondent

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., /528 BNSS, 2023, to set aside the conditional order passed in Crl.M.P.No.26869 of 2024 in C.A.No.715 of 2024 passed by the learned Principal District and Sessions Judge, Chennai, dated 24.09.2024.

For Petitioner : Mr.P.N.Vignesh

ORDER

The petitioners herein are the appellants in Crl.A.No.715 of 2024 on the file of the Principal District and Sessions Court, Chennai. The



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said appeal filed against the judgment of conviction and sentence imposed on the appellants for an offence under Section 138 of Negotiable Instruments Act by the learned Special Metropolitan Magistrate, XIV Judge, Small Causes Court, Chennai in S.T.C.No.851 of 2024.

2. Against the trial Court judgment, the petitioners have preferred the above appeal and also sought for suspension of sentence. The lower appellate Court while entertaining the petition for suspension of sentence has imposed condition to deposit 20% of the compensation amount within 60 days. Challenging the said condition, the present Criminal Original Petition is filed.

3. The learned counsel appearing for the petitioner submits that under Section 148 of N.I.Act, deposit of 20% of the compensation amount is not mandatory condition. He further submitted that the petitioners are innocent and no such alleged transaction has been taken place and hence the condition imposed on the petitioners to deposit 20% of fine amount is not valid in eye of law.



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4. A perusal of the record reveals that in consonance with the provision of the Negotiable Instruments Act particularly, Section 148 of Negotiable Instruments Act, the lower appellate Court has imposed condition to deposit 20% of the compensation amount as prerequisite to suspend the sentence. This order came to be passed not only based on the facts of the case, the petitioners themselves have come forward to deposit 20% of the compensation amount in order to get suspension of sentence. The said undertaking finds place in the order passed by the lower appellate Court, even otherwise the condition to deposit 20% of the compensation amount is fair and reasonable in so far as the present case is concerned. Therefore, this Court is not inclined to interfere with the order passed by the lower appellate Court in connection to suspending the sentence on condition. Hence this Criminal Original Petition stand dismissed. The petitioners are shall comply with the condition imposed by the Court below.

21.01.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

The Principal District and Sessions Judge,
Chennai.



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P.VELMURUGAN, J

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