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CrI.O.P.No.32637 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.32637 of 2024

Subha

... Petitioner

Vs.

1.Soumya Deepak Krishna
Wife of Ranganathan
Rep. by her Power Agent
Deepak Krishna Ranganathan
S/o. Late K.Ranganathan
"Meenu's Anchorage"
2, Ramalinga Nagar Cross III
Bharathi Park Cross Road 5
Saibaba Colony, Coimbatore - 641 011

2. The State represented by
The Public Prosecutor, Coimbatore

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to modify the condition No.3(ii) imposed by the learned Principal District & Sessions Judge, Coimbatore in CrI.M.P.No.1 of 2024 in CrI.Appeal on 20.11.2024.



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For Petitioner : Mr.J.Kingsly Solomon
For 2nd Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner seeking modification of the condition No.3(ii) imposed by the learned Principal District & Sessions Judge, Coimbatore in CrI.M.P.No.1 of 2024 in CrI.Appeal on 20.11.2024.

2. The learned counsel for the petitioner submitted that the 1st respondent filed a private complaint against the petitioner under Section 200 Cr.P.C. in C.C.No.61 of 2020 before the Fast Track Court No.1, Judicial Magistrate, Coimbatore and the learned Magistrate, after enquiry, convicted the petitioner for the offence under Section 138 of Negotiable Instruments Act vide order dated 25.10.2024 and directed the petitioner to pay compensation of Rs.20,00,000/- to the complainant which is twice the cheque amount.



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Aggrieved by the same, the petitioner preferred an appeal before the Principal

District and Sessions Judge, Coimbatore. Further, he also filed an application in CrI.M.P.No.1 of 2024 for suspension of sentence and the same was ordered on 20.11.2024 with a direction to the petitioner to deposit a sum of Rs.4 lakhs towards the part of compensation amount before the trial Court on or before 02.12.2024. Against which, the present petition is filed. He further submitted that the condition to deposit Rs.4 lakhs of the compensation amount, is unjust.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the 2nd respondent and perused the materials available on record.

4. Since no adverse order is being passed against the 1st respondent, notice to the 1st respondent is dispensed with.



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5. It is to be noted that the Negotiable Instruments Act has given power to the appellate Court to impose a condition against the accused to deposit up to 20% of the compensation amount. Accordingly, in this case, the Appellate Judge has imposed a condition to deposit only Rs.4 lakhs of the compensation amount which is exactly 20% of the compensation amount. The petitioner instead of availing the opportunity, has filed the present petition.

6. Further, it is seen that the complaint in C.C.No.61 of 2020 was pending from the year 2020 and only after a period 4 years, i.e on 25.10.2024, the Magistrate was able to conclude the proceedings and passed the judgment, whereas, even after a period of five years from the date of complaint, the petitioner is not ready to deposit even 20% of the compensation amount in order to comply with the order of the appellate Court, which shows that the petitioner has not approached this Court with clean hands and his only motive is to protract the case without paying singly pie. Under these circumstances,



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this Court does not find any reason to interfere with the order passed by the appellate Court.

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7. Accordingly, this Criminal Original Petition is dismissed.

02.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Principal District & Sessions Judge
Coimbatore

2. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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