

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1975 of 2016

M.Veeraragavan

... Petitioner

Vs

K.Srinivasan

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to further extend the time for two weeks in Crl.M.P.No.3716 of 2015 in Crl.M.P.No.3449 of 2015 in Crl.A.No.47 of 2015 dated 08.01.2016 to comply with the order passed by the learned Principal Sessions Judge of Kancheepuram District, Chengalpattu.

For Petitioner : Mr.B.Thirumalai

For Respondent : -

ORDER

The present criminal original petition has been filed to further extend the time for two weeks in Crl.M.P.No.3716 of 2015 in Crl.M.P.No.3449 of 2015 in Crl.A.No.47 of 2015 dated 08.01.2016 to comply with the order passed by the learned Principal Sessions Judge, Kancheepuram District, Chengalpattu.

2. The respondent herein filed a complaint under Section 138 of Negotiable Instruments Act against the petitioner before the learned Judicial Magistrate Court (Fast Track), Alandur in C.C.No.18 of 2013. After completion of trial, the petitioner was convicted for 6 months and to pay a compensation of Rs.7,00,000/- under Section 357 Cr.P.C. Aggrieved against the order, the petitioner preferred an appeal in Cr.A.No.47 of 2015 before the learned Principal Sessions Judge, Kancheepuram District, Chengalpattu along with suspension of sentence petition in Crl.M.P.No.3449 of 2015. When the suspension of sentence petition came up for hearing before the learned Principal Sessions Judge, Kancheepuram District, Chengalpattu,

the learned Judge after hearing the petitioner on 08.12.2015, passed a conditional order directing the petitioner to deposit a sum of Rs.50,000/- before the trial Court towards compensation amount within 10 days. But due to heavy rain and flood, he is not able to comply with the conditional order. Hence, the petitioner has filed a petition for extension of time in Crl.M.P.No.3716 of 2015 before the learned Principal Sessions Judge, Kancheepuram District, Chengalpattu. When the said petition came up for hearing on 08.01.2016, after hearing both sides, the learned Judge granted 10 days to comply with the order passed in Crl.M.P.No.3449 of 2015 in Crl.A.No.47 of 2015. It is the further case of the petitioner that since his house was fully washed away by the flood, he lost all his certificates and hence, the petitioner could not arrange surety and deposited the amount in time. Since the petitioner was not complied the conditional order, within a prescribed period, the petition filed for extension of time in Crl.M.P.No.3716 of 2015 was automatically dismissed. Hence, the petitioner has filed this petition to further extend the time for two weeks in Crl.M.P.No.3716 of 2015 in Crl.M.P.No.3449 of 2015 in Crl.A.No.47 of 2015 dated 08.01.2016 to comply with the order passed by the learned Principal Sessions Judge, Kancheepuram District, Chengalpattu.

3. When the matter is taken up for consideration, the learned counsel for the petitioner submitted that since the petitioner's house was fully washed away by flood, he was not in a position to comply with the conditional order. Thus he sought for two weeks time to comply with the order passed in Crl.M.P.No.3716 of 2015 in Crl.M.P.No.3449 of 2015 in Crl.A.No.47 of 2015.

4. Considering the submission made by the learned counsel for the petitioner, this Court is inclined to extend the time granted by the learned Principal Sessions Judge, Kancheepuram District, Chengalpattu in Crl.M.P.No.3716 of 2015 in Crl.M.P.No.3449 of 2015 in Crl.A.No.47 of 2015.

5. Accordingly, the order passed by the learned Principal Sessions Judge, Kancheepuram District, Chengalpattu in Crl.M.P.No.3716 of 2015 in Crl.M.P.No.3449 of 2015 in Crl.A.No.47 of 2015 is set aside and time is extended for a period of two weeks from the date of receipt of a copy of this order for complying the order. It is made clear that no further time will be granted.

6. This criminal original petition is ordered accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm

To

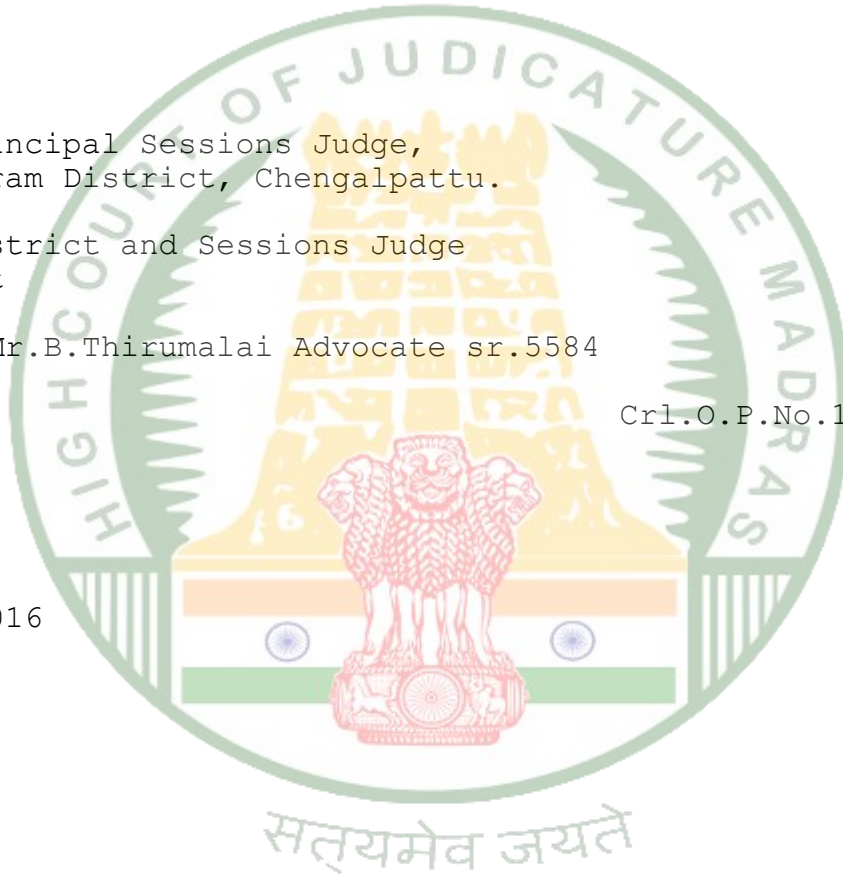
1. The Principal Sessions Judge,
Kancheepuram District, Chengalpattu.

2. The District and Sessions Judge
Chengalpet

+1 cc to Mr.B.Thirumalai Advocate sr.5584

Cr1.O.P.No.1975 of 2016

gj (co)
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