

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3326 of 2019

Mohammed Musthafa

... Petitioner

Vs.

Anandhan

... Respondent

Prayer:Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to modify the order passed by the learned Principal Sessions Judge of Kancheepuram District at Chengalpattu dated 27.11.2018 in C.M.P.No.5165 of 2018 in C.A.No.62 of 2018 that the petitioner is directed to deposit a sum of Rs.1,63,500/- before the trial Court.

For Petitioner : Mr.S.N.Subramani

O R D E R

This Criminal Original Petition has been filed by the petitioner seeking to modify the order passed in C.M.P.No.5165 of 2018 in C.A.No.62 of 2018 by an order dated 27.11.2018 by the learned Principal Sessions Judge, Kancheepuram District at Chengalpattu thereby directed the petitioner to pay a sum of Rs.1,63,500/- towards compensation within a period of one month.

2.It is seen that the petitioner was convicted by the trial Court for an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo Simple Imprisonment for a period of one year. Further, the petitioner was directed to pay a sum of Rs.6,54,000/- to the defacto complainant as compensation under Section 357(3) Cr.P.C. within a period of 30 days. Aggrieved the same, the petitioner has preferred an appeal in C.A.No.62 of 2018 before the Principal Sessions Court, Chengalpattu.

3.The learned counsel for the petitioner submits that the petitioner has filed a petition under Section 389(3) of Cr.P.C., for suspending the sentence. The learned Judge has suspended the sentence on condition that the petitioner was directed to deposit a sum of Rs.1,63,500/- before the Trial Court towards compensation within a period of one month. The learned counsel further submitted that the petitioner has got good case to succeed in the main appeal. Unfortunately, without considering the valid grounds raised by the petitioner, the

Trial Court convicted the petitioner for an offence under Section 138 of Negotiable Instruments Act. Now, the petitioner filed a petition before this Court seeks further time to deposit the said amount.

4.Considering the facts and circumstances, this Court finds no illegality or infirmity in the order passed by the learned Principal Sessions Judge in C.M.P.No.5165 of 2018 in C.A.No.62 of 2018 dated 27.11.2018. However, this Court is inclined to extend the time to deposit the compensation amount of Rs.1,63,500/- on or before 01.03.2019. Failing which, the learned Judge is directed to proceed further as against the petitioner in accordance with law.

5.With the above observations, this Criminal Original petition is disposed of .

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl/ssr

To.

1.The Principal Sessions Court,
Kancheepuram District at Chengalpattu

2.The Judicial Magistrate,
FTC(ML), Alandur, Chennai.

+1cc to Mr.S.N.Subramani, Advocate, S.R.No.13087 (13/02/2019)

Cr1.O.P.No.3326 of 2019

GJ(CO)

rrs 11/02/2019

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