

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8884 of 2019

V.Renganathan

... Petitioner/Petitioner/
Petitioner/Appellant

Vs.

1.G.Radhakrishnan

2.The State

Rep. by the Public Prosecutor,
Principal District and Sessions Court,
Coimbatore.

... Respondents/Respondents/Respondents/Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the Principal District and Sessions Court, Coimbatore, to extend the time limit to pay part of the compensation amount, execute bond and furnish sureties by atleast 2 weeks.

For Petitioner : Mr.S.B.Viswanathan

For R2 : Mr.C.Raghavan
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed seeking to direct the Principal District and Sessions Court, Coimbatore, to extend the time limit to pay part of the compensation amount, execute bond and furnish sureties.

2.It is seen that the petitioner was arrayed as an accused in a private complaint filed before the learned Judicial Magistrate, Fast Track Court, Magistrate Level 1, Coimbatore in C.C.No.473 for the offence punishable under Section 138 of Negotiable Instruments Act. The petitioner was found guilty and convicted for the offence and to undergo simple imprisonment for a period of three months. Thereafter, the petitioner filed an appeal in C.A.No.498 of 2018 before the Principal District and Sessions Judge, Coimbatore along with a petition to suspend the

sentence in CrI.M.P.No.3488 of 2018. That was allowed, thereby suspending the sentence by an order dated 16.11.2018, on following conditions:

"1.The petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, within two weeks from the date of this order;

2.The petitioner shall deposit a sum of Rs.5,000/- towards part of compensation amount before the lower court;

3.Final order in respect of the deposit amount will be passed by the appellate court at the time of disposal of the appeal.

4.The petitioner shall report before the trial Court on the 1st working day of every English Calendar month at 10.30 a.m. without fail until further orders"

3.The learned counsel for the petitioner submitted that since the petitioner suddenly fell ill, he could not comply with the conditions imposed by the Court below while granting suspension of sentence. Therefore, the petitioner after getting recovery from his illness filed a petition before the Principal District and Sessions Court, Coimbatore seeking to extend the time limit specified in the order of suspension of sentence and that petition was returned as not maintainable. Aggrieved by the said order, the petitioner has filed the present petition with the aforesaid prayer.

4.Heard both sides.

5.Considering the submissions made by the learned counsel appearing for the petitioner, time is extended for a further period of two weeks from today i.e.,03.04.2019 for the petitioner to comply with the conditions imposed in CrI.M.P.No.3488 of 2018 by the learned Principal District and Sessions Court, Coimbatore.

6.Accordingly, this Criminal Original Petition stands allowed.

sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal District and Sessions Judge,
Coimbatore.
- 2.The Judicial Magistrate,
Fast Track Court, Magistrate Level-I,
Coimbatore.
- 3.-Do- Thro The Chief Judicial Magistrate,
Coimbatore.

Copy to

The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.B.Viswanathan, Advocate Sr.32600

CrI.O.P.No.8884 of 2019

srg 08/04/2019



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