

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10986 of 2019
and
Crl.M.P.No.5644 of 2019

S.Thanigasalam

... Petitioner

Vs.

M/s.Shree Gokulam Chit & Finance Com (P) Ltd.,
Rep. by its Authorized Agent and Legal Cleark,
G.Mithunkumar, No.5/12, Chetty Street,
Poonamallee, Chennai -56.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order in Crl.M.P.No.1416 of 2019 dated 20.03.2019 passed by the Principal District and Sessions Judge at Thiruvallur as far as the payment of deposit of 20% of the compensation amount alone is considered.

For Petitioner : M/s.Namo Narayanan S.

ORDER

The Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order in Crl.M.P.No.1416 of 2019 dated 20.03.2019 passed by the Principal District and Sessions Judge at Thiruvallur as far as the payment of deposit of 20% of the compensation amount alone is considered.

2.The learned counsel appearing for the petitioner would submit that the sentence imposed on the petitioner was suspended till 23.10.2018. As against the judgment and conviction and sentence, the petitioner preferred a Criminal Appeal in C.A.No.40 of 2019 before the learned Principal District and Sessions Judge at Tiruvallur, which was allowed and the sentence was suspended on condition in Crl.M.P.No.1416 of 2019 dated 20.03.2019 directed the petitioner to deposit 20% of the compensation amount awarded by the Trial Court within a period of one month and in the event of default the suspension of sentence shall stand dismissed automatically. Hence, prays for setting aside the order passed by the first appellate court as far as the payment of deposit of 20% of the compensation amount alone.

3.It is seen from the records that the condition imposed in Crl.M.P.No.1416/2019 dated 20.03.2019 by the learned Principal District Cum Sessions Judge, Tiruvallur is not complied with by the petitioner till date. Hence, this Court is not inclined to set aside the order passed by the first appellate court. In order to give one more opportunity to the petitioner, this court is inclined to extend a further time till 04.06.2019 to comply with the condition imposed by the first appellate court, failing which, the order passed by the first appellate court shall stand cancelled automatically without any further reference to the court.

4.Accordingly, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kas

To.

The Principal District and Sessions Judge
Thiruvallur.

Crl.O.P.No.10986 of 2019
and
Crl.M.P.No.5644 of 2019

RK (CO)

RRS (28/05/2019)

सत्यमेव जयते

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