

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.07.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.OP No.17214 of 2019
and
Crl.MP.No.8676 of 2019

P.S.Sethuraman

.. Petitioner

.Vs.

John Amalraj

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call the records in Cr.M.P.No.11506 of 2019 in Crl.M.P.No.3757 of 2019 in C.A.No.319 of 2018 on the file of the learned XV Additional City Civil Court and Sessions Court, Chennai to set aside the order dated 15.06.2019 filed for extension of time for complying with the order dated 15.04.2019 passed in Crl.M.P.No.3757 of 2019.

For Petitioner : Mr.T.K.S.Gandhi

ORDER

This Criminal Original Petition has been filed against the order passed by the Court below dismissing the extension of time sought for by the petitioner to deposit 20% of the compensation amount that was directed to be paid by the petitioner by virtue of the order passed in Crl.MP.No.3757 of 2019 dated 15.04.2019.

2. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act, by the trial Court by judgment dated 11.05.2018 made in C.C.No.73 of 2012. The petitioner filed an appeal in Crl.A.No.319 of 2018 before the XV Additional Judge, City Civil Court, Chennai. In the said appeal, the respondent filed an application in Crl.M.P.No.3757 of 2019 under Section 148 of the Negotiable Instruments Act, for a direction to the petitioner to deposit the compensation amount. The Court below by an order dated 15.04.2019, directed the petitioner to deposit 20% of the compensation amount before the trial Court within two months i.e., on or before 15.06.2019.

3. The petitioner filed an application in Crl.M.P.No.11506 of 2019 seeking for extension of time for a period of one month to enable the petitioner to comply with the condition imposed by the Court below and to

deposit the compensation amount. The said petition was dismissed and aggrieved by the same, the present Criminal Original Petition has been filed before this Court.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, this Court deems it fit to grant four weeks time to the petitioner to deposit 20% of the compensation amount as directed by the Appellate Court. The petitioner should be given this opportunity since the appeal is pending against the judgment of conviction and sentence passed by the trial Court for an offence under Section 138 of the Negotiable Instruments Act. The order passed by the Court below in Crl.M.P.No.11506 of 2019 dated 15.06.2019, is hereby set aside and the petitioner is granted time to deposit 20% of the compensation amount on or before 01.08.2019. It is made clear that no further extension of time will be granted to the petitioner.

This Criminal Original Petition is disposed of accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

KP

To

XV Additional Judge,
XV Additional City Civil Court and Sessions Court,
Chennai.

+1cc to Mr.T.K.S.Gandhi , Advocate SR.No. 55833

A.SK(18/07/2019)

Crl.OP No.17214 of 2019