

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17914 of 2019

Joseph

.. Petitioner/Accused

Vs.

D.Kumaraguru

.. Respondent/Complainant

Rep by power agent-D.Daksshnamoorthy

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to extend the time for enabling the petitioner to comply the condition imposed in Crl.M.P.No.1690 of 2019 in C.A.No.48 of 2019 by order dated 04.04.2019 passed by learned Principal District and Sessions Judge, Tiruvallur.

For Petitioner : Mr.R.Thirumoorthy

ORDER

This petition has been filed seeking for extension of time to deposit 20% of the compensation amount imposed as a condition by the Court below for granting suspension of sentence in favour of the petitioner.

2. The petitioner faced trial before the Judicial Magistrate Fast Track Court, Magisterial Level II, Poonamallee, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 27.02.2019 convicted the petitioner and sentenced him to undergo 24 months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.74,506/- as compensation within a period of two months, in default to undergo six months simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal Sessions Judge, Thiruvallur. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 04.04.2019 suspended the sentence by imposing certain conditions. One of the conditions imposed by the appellate Court was that the petitioner should deposit 20% of the compensation amount ordered by the trial Court. The petitioner was given one month time to make this deposit.

4.The learned counsel for the petitioner submitted that the petitioner was not able to arrange for making this deposit due to financial constraints and therefore, the present petition has been filed seeking for extension of time. The learned counsel further submitted that the petitioner will deposit this amount within a period of one week from today.

5.Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioner to deposit 20% of the compensation amount ordered by the trial Court within a period of one week from today. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rka

To

1.The Principal District and Sessions Judge,
Poonamallee.

2.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

+1cc to Mr.R.Thirumoorthy, Advocate, S.R.No.57590

CrI.O.P.No.17914 of 2019

RSI (CO)
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