

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21089 of 2019

Jayapal .. Petitioner

Vs.

M/s.Jeevan Fruits Company,
Represented by its Proprietor,
P.Pramod Kumar .. Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to extend the time for enabling the petitioner to comply by the Trial Court viz the petitioner is directed to deposit 20% of the cheque amount to the credit of CC No.442 of 2018 on the file of the Trial Court within sixty days in Crl MP No.9243 of 2019 in C.A.No.193 of 2019 by order dated 15.05.2019 passed by learned VI Additional Sessions Judge & Vacation Sessions Judge, Chennai.

For Petitioner : Mr.S.Deivasigamani

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, Allikulam, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 16.04.2019 convicted the petitioner and sentenced him to undergo 5 months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.22,25,346/- as compensation within a period of one year, in default to undergo three months simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the VI Additional Sessions Judge & Vacation Sessions Judge, Chennai. Along with the appeal, the petitioner also filed a petition for suspension of

sentence. The appellate Court by an order dated 15.05.2019 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 constrains 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 two weeks 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 two weeks 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)

//True Copy//

Sub Assistant Registrar

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To

1. VI Additional Sessions Judge & Vacation Sessions
Judge,
Chennai

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Deivasigamani , Advocate SR.No. 67267

CrI.O.P.No.21089 of 2019

A.SK(08/08/2019)