



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP NO.22607 OF 2019

S.Asgar Ali

.. Petitioner

.Vs.

S.Jamal

.. Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call the records and set aside the order dated 02.08.2019 passed in Crl.MP.No.15033 of 2019 in Crl MP No.2850 of 2019 in C.A.No.40 of 2019 by the learned Principal Sessions Judge, at Chennai and permit the petitioner to deposit 20% of the compensation amount Rs.5,80,000/- to the credit of in C.C.No.3579 of 2013 on the file of III Metropolitan Magistrate (FAC), George Town, Chennai

For Petitioner : Mr.K.Kalimuthu

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.15033 of 2019 dated 02.08.2019.

2. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act, by the trial Court by judgment dated 10.01.2019 made in C.C.No.3579 of 2013. The petitioner filed an appeal in Crl.A.No.40 of 2019 before the learned Principal Sessions Judge, City Civil Court, Chennai. In the said appeal, the respondent filed an application in Crl.M.P.No.2850 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 13.02.2019, suspended the sentence and directed the petitioner to deposit 20% of the compensation amount before the trial Court within 60 days from the date of receipt of copy of that order.



3. The petitioner filed an application in Crl.M.P.No.14833 of 2019 seeking for extension of time and to modify the compensation amount from 20% to 10% before the learned Principal Sessions Judge, Chennai 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 petitioner filed a Crl.MP.No.15033 of 2019 before the III Metropolitan Magistrate Court, George Town, Egmore, Chennai seeking for extension of time to deposit the compensation amount and the same was also 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.15033 of 2019 in Crl.MPNo.2850 of 2019 dated 02.08.2019, is hereby set aside and the petitioner is granted time to deposit 20% of the compensation amount on or before 19.09.2019. 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 canceled automatically without any further reference to this Court.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rka



To

1. The Principal Sessions Judge,
Chennai.

2. III Metropolitan Magistrate Court,
George Town, Egmore, Chennai.

3. Do Thro' The Chief Metropolitan Magistrate,
Egmore, Chennai-8.

+1cc to Mr.K.Kalimuthu, Advocate, S.R.No.71762

Cr1.OP No.22607 of 2019

MR(CO)
CS/09/12/2019