

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.22673 of 2019

S.Gopi

.. Petitioner

.Vs.

S.Babu

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to extend time for deposit 20% of the compensation amount to the credit of above CC number on the file of the trial Court as per order passed by the Hon'ble Principal Sessions Court, Chennai in Crl.M.P.No.14834/2019 dated 31.07.2019.

For Petitioner : Mr.J.N.Naresh Kumar

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.14834 of 2019 dated 31.07.2019.

2. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act, by the trial Court by judgment dated 27.04.2019 made in C.C.No.1455 of 2016. The petitioner filed an appeal in Crl.A.No.199 of 2019 along with Crl.M.P.No.9507 of 2019 before the learned VII Additional Sessions Judge, Chennai, to suspend the sentence. The Court below, by order dated 22.05.2019, suspended the sentence of the petitioner with the condition that the petitioner shall deposit 20% of the compensation amount to the credit of above C.C.No.1455 of 2016 on the file of the Trial Court within sixty days from the date of the order.

3. The petitioner filed an application in CrI.M.P.No.14834 of 2019, dated 31.07.2019, seeking for extension of time for a period of 30 days 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 CrI.M.P.No.14834 of 2019 dated 31.07.2019, is hereby set aside and the petitioner is granted time to deposit 20% of the compensation amount within 10 days from today(22.08.2019). It is made clear that if the petitioner does not comply with the order within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled and the Trial Court shall issue a non-bailable warrant to secure the petitioner to make him undergo the sentence imposed by the Trial Court.

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

सत्यमेव जयते

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

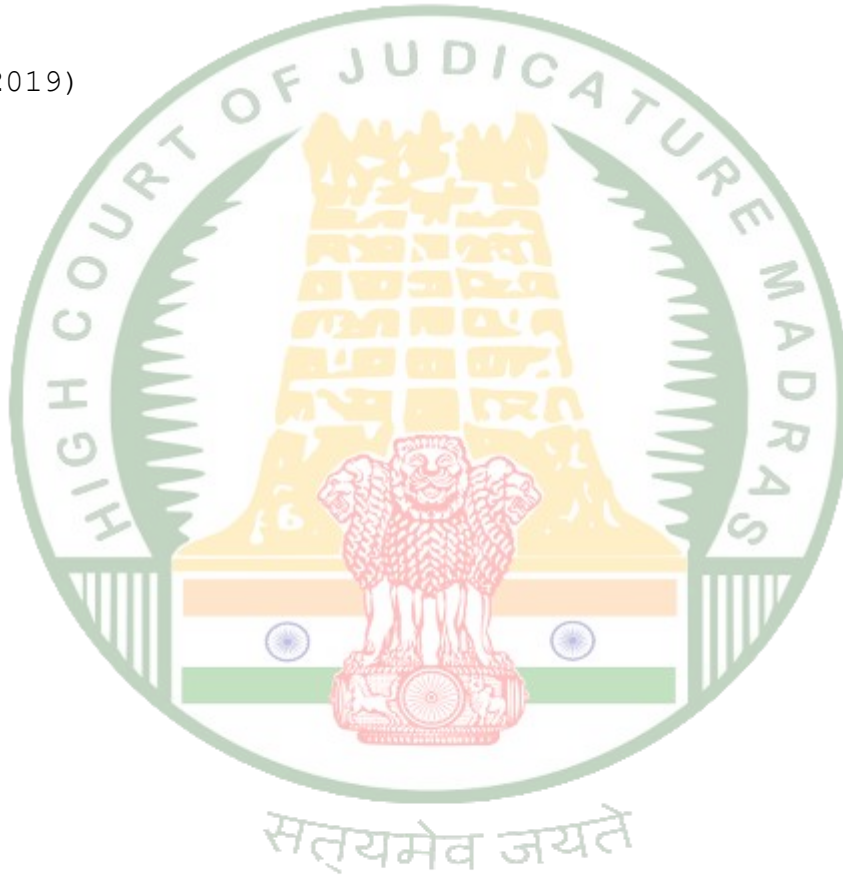
1.VII Additional Sessions Judge, Chennai.

2.Metropolitan Magistrate, FTC-IV, George Town,
Chennai.

+1 CC to Mr.J.N.Naresh Kumar, Advocate sr 72526.

Cr1.OP No.22673 of 2019

RP (CO)
SP (26/08/2019)



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