

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.1524 of 2018

O.Joseph	..	Petitioner/Accused
	Vs.	
S.Jeyalakshmi	..	Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the order dated 02.11.2018 passed in Crl.A.No.SR5582 of 2018 on the file of the Principal Sessions Court, Thiruvallur.

For Petitioner : Mr.P.C.Perumal Pandian

For Respondent : Mr.R.Aranganathan

O R D E R

This petition has been filed seeking to set aside the order dated 02.11.2018 passed in Crl.A.No.SR5582 of 2018 on the file of the Principal Sessions Court, Thiruvallur.

2. For the sake of convenience, the petitioner and the respondent will be referred to as the accused and the complainant, respectively.

3. The accused was convicted of the offence under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the NI Act") by the Judicial Magistrate Court (Fast Track Court), in S.T.C.No.449 of 2016 and was sentenced to undergo seven months simple imprisonment and was directed to pay a sum of Rs.6,00,000/- as compensation to the complainant, in default to undergo one month simple imprisonment. The accused filed an appeal in the Sessions Court, Thiruvallur, with a delay of 24 days, for which, he filed Crl.M.P.No.4795 of 2018 under Section 5 of the Limitation Act, for condonation of delay.

4. The learned Principal Sessions Judge, Thiruvallur, by order dated 29.10.2018, condoned the delay of 23 days on condition that the accused should pay a sum of Rs.750/- to the complainant on or before 01.11.2018. The matter was adjourned to

02.11.2018 "for reporting compliance". Since the accused did not make the payment before 01.11.2018, on 02.11.2018, the petition in CrI.M.P.No.4795 of 2018 was dismissed. Challenging the said order, the accused is before this Court.

5. Heard Mr.P.C.Perumal Pandian, learned counsel for the accused and Mr.R.Aranganathan, learned counsel for the complainant.

6. This Court directed the accused to deposit a sum of Rs.2,00,000/- to the credit of S.T.C.No.449 of 2016 before the Trial Court as a precondition for considering the prayer of the accused. Accordingly, the accused has deposited the sum of Rs.2,00,000/- before the Trial Court on 29.08.2019 vide receipt No.366731.

In view of the above, this revision petition is allowed and the order dated 02.11.2018 in CrI.A.No.SR5582 of 2018 on the file of the Principal Sessions Court, Thiruvallur, is hereby set aside and the delay in filing the appeal stands condoned. The Principal Sessions Court, Thiruvallur, is directed to number the appeal filed by the accused and dispose of the same in accordance with law. The accused shall appear before the Principal Sessions Court, Thiruvallur, until his presence is dispensed with by that Court. The Trial Court is directed to re-deposit the sum of Rs.2,00,000/- in a fixed deposit account in any nationalized bank, so that the amount with accrued interest can be disbursed either to the complainant or to the accused, depending upon the outcome of the appeal filed by the accused before the Session Court, Thiruvallur.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Principal Sessions Judge,
Thiruvallur.
2. The Judicial Magistrate,
(Fast Track Court),
Ambattur.

3.-do Thro The Chief Judicial Magistrate,
Tiruvallur District.

+lcc to Mr. P.G.Perumal Pandian, Advocate, S.R.No. 88193
(18/11/19)

Cr1.R.C.No.1524 of 2018

VG I (CO)
GN(17/10/2019)