



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Original Jurisdiction)

Thursday, the Fourteenth day of November Two Thousand and Nineteen

PRESENT

The Hon'ble Mr. Justice B.PUGALENDHI

CRL MP(MD). No.9913 of 2019

in

CRL RC(MD).No.347 of 2011

E. Menaga

...Petitioner

Vs

Ponraman

...Respondent

Prayer in CRL MP(MD). No.9913 of 2019:-

Criminal Miscellaneous Petition is filed under section 482 of Criminal Procedure Code, praying this Hon'ble Court to extend the time to comply the order dated 11.06.2019 made in Crl.RC(MD).No.347 of 2011.

Prayer in CRL RC(MD).No.347 of 2011 :

Criminal Revision is filed under section 397 read with section 401 of Criminal Procedure Code, praying this Hon'ble Court to call for records and set aside the judgment dated 31.01.2011 made in C.A.No.25 of 2010 on the file of the Additional Sessions Judge, Fast Track Court No.I, Thoothukudi, confirming the judgment dated 06.04.2010 made in S.T.C.No.1419 of 2008 on the file of the Judicial Magistrate, Srivaikundam.

ORDER:- Criminal Miscellaneous Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S.Vanchinathan, Advocate for the Petitioner and of Mr. R.Karunanithi, Advocate For Mr.V.Natarajan, Advocate for the respondent, this Court made the following order:

This Criminal Miscellaneous Petition is filed to extend the

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time for depositing the compensation amount as directed by this Court in Crl.R.C.No.347 of 2011, dated 11.06.2019.

2.The petitioner was found guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, in S.T.C.No.1419 of 2008, and the learned Judicial Magistrate, Srivaikundam, convicted the accused and sentenced her to undergo Simple Imprisonment for a period of 18 months and also directed to pay a sum of Rs.2,50,000/- as compensation to the complainant. The said judgment was also confirmed by the learned Additional Sessions Judge, Fast Track Court No.I, Thoothukudi, in C.A.No.25 of 2010, dated 31.01.2011. Challenging the order passed by the Courts below, the petitioner filed this revision petition in CRL.RC.(MD)No.347 of 2011.

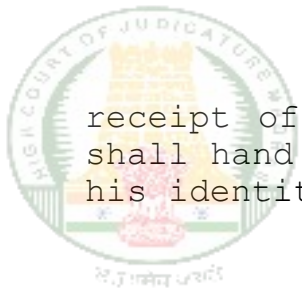
3.This Court by an order dated 11.06.2019, partly allowed the revision petition and set aside the order of the sentence imposed on the accused and directed the petitioner to pay the cheque amount of Rs.2,50,000/- as compensation to the complainant, to the credit of S.T.C.No.1419 of 2008, before the learned Judicial Magistrate, Srivaikundam within a period of eight weeks.

4.The learned counsel for the petitioner submitted that the order dated 11.06.2019 was made ready only on 02.07.2019. The period of eight weeks as directed by this Court is over on 02.09.2019. However, the petitioner came forward with this petition to extend the time that she could not make the payment of Rs.2,50,000/- within the stipulated time as directed by this Court. The petitioner, along with this application, has also produced a copy of the demand draft dated 08.11.2019, taken in favour of Ponraman/complainant, for the said amount.

5.The learned counsel for the respondent is also not having any objection in extending the time, since he is interested in only getting the amount as directed by this Court. The petitioner also undertakes that he will deposit the demand draft No.037104, dated 08.11.2019 before the learned Judicial Magistrate, Srivaikundam in S.T.C.No.1419 of 2008 within a period of one week from the date of receipt of a copy of this order.

6.Considering the fact that the petitioner has taken out a demand draft as directed by this Court on 08.11.2019 and being satisfied with the reasons assigned in Para No.3 of the affidavit filed in support of this petition, this petition is allowed and the time limit is extended by one week. The petitioner is directed to deposit the amount as directed by this Court in Crl.R.C.No.347 of 2011, dated 11.06.2019, within a period of one week from the date of receipt of copy of this order.

7.The Registry is directed to return the papers pertaining to S.T.C.No.1419 of 2008 to the concerned Judicial Magistrate and on



receipt of the same, the learned Judicial Magistrate, Srivaikundam shall hand over the demand draft to the complainant after satisfying his identity.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS III)

Sub Assistant Registrar(CS)

TO

- 1 The Additional Sessions Judge, Fast Track Court, No.I, Thoothukudi.
- 2 The Judicial Magistrate, Srivaikundam.
- 3 The Chief Judicial Magistrate, Thoothukudi.

Copy to

The Section Officer, ER Section,
Madurai Bench of Madras High Court, Madurai.

(To return the papers pertaining to S.T.C.No.1419 of 2018 to the concerned Judicial magistrate and on receipt of the same.)

+1cc to Mr. S.Vanchinathan, Advocate, SR No.19609.

ORDER DATED:14.11.2019
ORDER

CRL MP(MD). No.9913 of 2019
in
CRL RC(MD).No.347 of 2011

KK/SAR/21.11.2019/3P-6C/