

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2958 of 2020

1.M/s.J.K.V.Foundation,
Represented by T.E.Santhanakumar

2.Santhanakumar Petitioners/Accused

Vs.

Sridhar Respondent/Complainant
Represented by Subbamal

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, extend the time granted to pay the 20 percent of the cheque amount by another four weeks in the order passed in Crl.M.P.No.27851 of 2019 in Crl.M.P.No.21093 of 2019 in C.A.No.346 of 2019 dated 18.12.2019 on the file of the Principal Sessions Judge, City Civil Court, at Chennai to the credit of C.C.number on the file of the trial Court.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.Adinarayanarao

ORDER

This petition has been filed to extend the time granted to pay the 20 percent of the cheque amount by another four weeks in the order passed in Crl.M.P.No.27851 of 2019 in Crl.M.P.No.21093 of 2019 in C.A.No.346 of 2019 dated 18.12.2019 on the file of the Principal Sessions Judge, City Civil Court, at Chennai to the credit of C.C.number on the file of the trial Court.

2. The petitioner is an accused on the complaint lodged by the respondent herein for the offences punishable under Section 138 of the Negotiable Instruments Act in C.C.No.2597 of 2016 on the file of the learned Metropolitan Magistrate, FTC-II, Chennai.

3. The trial court has convicted the petitioner for the offences punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo one year simple imprisonment and also awarded compensation of doubling the cheque amount payable by the petitioner to the complainant within a period of one month, in default, to undergo three months simple imprisonment.

4. Aggrieved by the same, the petitioner has preferred an appeal in C.A.No.346 of 2019 while suspending the sentence by the I Appellate Court, vide order dated 15.10.2019 and the sentence was suspended on condition that the petitioner shall deposit 20% of the cheque amount to the credit of C.C.number on the file of the trial Court within sixty days from the date the said order. Thereafter, the petitioner has filed the petition to extend the time in CrI.M.P.No.27851 of 2019 and further 30 days time was granted by the First Appellate Court, by order dated 18.12.2019. Again, the petitioner has filed the petition for extension of time by four weeks.

5. It is relevant to extract the provisions of Section 148(ii) of Negotiable Instruments Act:

(2) The amount referred to in sub-section (1) shall be deposited within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the appellant.

6. The Act itself provides only 90 days to comply the condition imposed by the Appellate Court. Further it is also seen that the original order passed by the First Appellate Court on 15.10.2019. Now, almost, 9 months expired. Therefore, this Court finds no merit in this petition.

7. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

To

1. The Principal Sessions Judge,
City Civil Court, Chennai
2. The Metropolitan Magistrate,
FTC-II, Chennai.
3. The Public Prosecutor,
High Court, Madras.

Vgii(co)
krd 9/10

CrI.O.P.No.2958 of 2020