

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.4009 of 2020

1. Sri Sai Krishna Feeds,
No.53/B5, Thiruchungodu Road,
Namakkal.

2. M.Mohan

3. J.Rajkumar

... Petitioners

Vs.

R.Manivel

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to extend the time to deposits 20% of the cheque amount within 60 days imposed by the learned Principal District and Sessions Judge at Namakkal in CMP.No 1773 of 2019 in C.A.No.52 of 2019 order dated 13.11.2019.

For Petitioners: Mr. S.Suresh

For Respondent : Mr.R.Jaikumar

O R D E R

This petition has been filed for extension of time to comply with the direction of the learned Principal Sessions Judge, Namakkal to deposit the compensation amount as per the order passed in CMP.No 1773 of 2019 in C.A.No.52 of 2019, dated 13.11.2019.

2. The learned counsel for the petitioner has submitted that based on the complaint filed by the respondent under Section 138 of the Negotiable Instruments Act, the learned Judicial Magistrate No.1, Namakkal has taken the case on file in C.C.No.256 of 2013 and after full trial on 23.09.2019, he has convicted the petitioners and sentenced to undergo simple imprisonment for six months and also directed the petitioners to pay a sum of Rs.20,99,678/- as compensation to the respondent/complainant, in default, to undergo simple imprisonment for one month. He further submitted that as against the said judgment of conviction and sentence passed by the

learned Judicial Magistrate No.1, Namakkal, the petitioners have filed an appeal in C.A.No.52 of 2019 and also filed a petition in C.M.P.No.1773 of 2019 for suspension of sentence passed by the trial Court and the said petition is with the learned Principal Sessions Judge, Namakkal, by the order dated 13.11.2019, has suspended the sentence on condition that the petitioners shall execute a bond for Rs.10,000/- with two sureties for a likesum each to the satisfaction of learned Judicial Magistrate No.1, Namakkal and also directed the petitioners to deposit 20% of the compensation amount before the trial Court within 60 days. He further submitted that since the petitioners 2 and 3 are suffering from some ailments, they could not mobilize the funds and deposit the same before the trial Court within the time fixed by the learned Principal Sessions Judge, Namakkal and therefore, he prayed to extend the said time for complying the aforesaid condition.

3. Mr.R.Jaikumar, learned counsel filed vakalat in SR.No.1561 of 2020 before the Registry.

4. Per contra, the learned counsel for the respondent has submitted that as per Section 148 of the Negotiable Instruments Act, the appellate Court can grant time for depositing 20% of the compensation amount up to 60 days and thereafter it can extend the said period for 30 days. He further submitted that already morethan 100 days over and therefore, he prayed to dismiss the petition. He further submitted that if the Court is inclined to extend time that may be extended for one week.

5. Considering the abovesaid submissions, this Court is inclined to extend the time for depositing 20% of the compensation amount before the trial Court as directed by the learned Principal Sessions Judge, Namakkal in C.M.P.No.1773 of 2019 in C.A.No.52 of 2019 dated 13.11.2019, and accordingly, one week time is extended from the date of receipt of a copy of this order.

6. With the aforesaid directions, this Criminal Original Petition is disposed of.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

ebsi

To

1. The Principal District and Sessions Judge,
Namakkal.

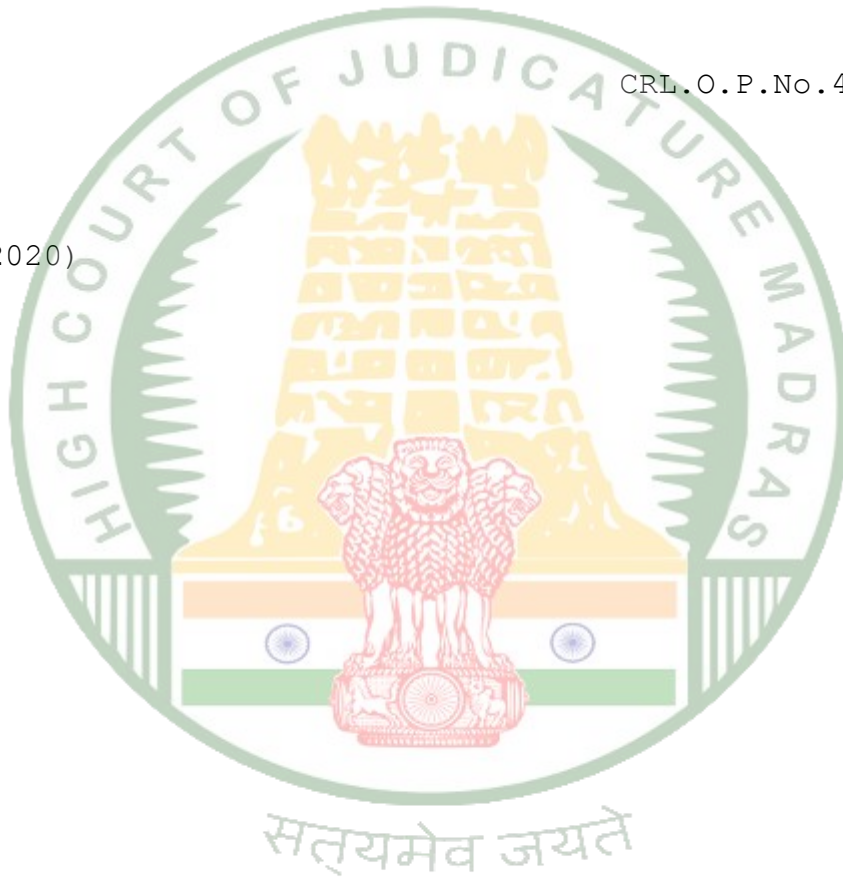
2.The Judicial Magistrate No.I, Namakkal

+1 Cc to Mr.S. Suresh, Advocate sr 16332.

+1 CC to Mr.R.Jaikumar, Advocate sr 16326.

CRL.O.P.No.4009 of 2020

RJ (CO)
SP (26/02/2020)



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