

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.MP.No.3500 of 2020
in Crl.O.P.No.4009 of 2020

1. Sri Sai Krishna Feeds,
No.53/B5, Thiruchungodu Road,
Namakkal.
 2. M.Mohan
S/o.Madaswamy
Door No.117, Thiruchungodu Road,
Namakkal District.
 3. J.Rajkumar,
S/o.Jayaraman,
No.17A1, Kasiyar Street,
Periapatti, 5th Cross,
Namakkal Taluk and District.
- ... Petitioners

सत्यमेव जयते
Vs.

R.Manivel,
S/o.Rathinaswamy,
Prop. Manish Traders,
No.3/17, GRG Complex,
Thuraiyur Road,
Namakkal Taluk & District.

... Respondent

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PRAYER: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. praying to extend the time granted in CrI.O.P.No.4009 of 2020 dated 25.02.2020 before the learned Principal District & Sessions Judge at Namakkal in CMP.No.1773 of 2019 in C.A.No.52 of 2019 order dated 13.11.2019 to deposit 20% compensation amount within one week.

For Petitioners : Mr.S.Suresh
For Respondent : M/s.G.Vaishali

ORDER

This petition has been filed for extension of time granted in CrI.M.P.No.4009 of 2020, dated 25.02.2020 to comply the condition imposed in CrI.M.P.No.1773 of 2019 by an order dated 13.11.2019 on the file of the District Sessions Court, Namakkal, thereby directed the petitioner to deposit 20% of the compensation within a period of one week.

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2. The petitioner is an accused on the complaint lodged by the respondent in C.C.No.256 of 2013 for the offence punishable under Section 138 of Negotiable Instruments Act. The Trial Court convicted the petitioner and sentenced him to undergo six months imprisonment and also ordered

compensation of Rs.20,99,678/- payable to the de-facto complainant / the respondent herein. Aggrieved over the same, the petitioner preferred an appeal in C.A.52 of 2019 before the Principal District and Sessions Court, Namakkal. While ordering the suspension of sentence, the petitioner is directed to deposit 20% of the compensation amount within a period of 60 days from the date of receipt of a copy of the order, viz., 13.11.2019. Even then, the petitioner did not comply the condition, but approached this Court in CrI.O.P.No.4009 of 2020 for extension of time. On considering the request of the petitioner, this Court by an order dated 25.02.2020 extended one week time. Again the petitioner filed this petition for further extension of time.

3. It is relevant to extract the provisions of Section 148 (2) of the Negotiable Instruments Act, which reads as follows:

“(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.”

4. The Act provides only for 60 days plus 30 days, totally 90 days to comply the conditions imposed while suspending the sentence. Now, almost

eight months completed and even then, the petitioner did not comply the condition imposed by the First Appellate Court. Therefore, the petition is devoid of merits. Hence, the Criminal Miscellaneous Petition is dismissed and the respondent is at liberty to take appropriate action as against the petitioners in accordance with law.

23.07.2020

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
pvs

To

1. The Principal District and Sessions Court,
Namakkal
2. The Judicial Magistrate No.I, Namakkal
3. The Public Prosecutor,
High Court, Madras.

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