

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5555 of 2020

D.Ramdoss

.. Petitioner/
Petitioner / Petitioner /
Appellant / Accused
/versus/

V.Rajendran

.. Respondent / Respondent
/ Respondent/ Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to extend the time up to 15.04.2020 to deposit the amount of Rs.5,00,000/- as per the order dated 30.10.2019 passed by Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.3703 of 2019 in C.A.No.343 of 2019.

For Petitioner :C.S.Dhanasekaran

O R D E R

This Criminal Original Petition has been filed to extend the time upto 15.04.2020 to comply the order passed by Principal District and Sessions Judge, Coimbatore in Crl.M.P.No.3703 of 2019 in C.A.No.343 of 2019, dated 30.10.2019, thereby directed the petitioner to deposit a sum of Rs.5,00,000/- towards the part of compensation amount.

2.The petitioner was convicted and sentenced for the offence under Section 138 of the Negotiable Instruments Act in C.C.No.444 of 2017 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level-1, Coimbatore. Aggrieved by the said order, the petitioner has preferred an appeal in C.A.No.343 of 2019 along with a petition to suspend the sentence imposed by the trial Court. The first appellate Court by an order dated 30.10.2019 has suspended the sentence on the following conditions:

(i)The petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Fast Track Court at Magisterial Level-1, Coimbatore, within one month from the date of this order.

(ii)The petitioner shall deposit a sum of Rs.5,00,000/- towards the part of compensation amount before the lower

Court.

(iii) Final order in respect of the deposit amount will be passed by the Appellate Court at the time of disposal of the appeal.

(iv) The petitioner shall report before the trial Court on the 1st working day of every English calendar month at 10.30 a.m without fail, until further orders.

3. Though the Negotiable Instruments Act provides 60 days to deposit the amount fixed by the Court, the first appellate Court did not mention about the time and as such, the petitioner was not able to pay the amount. Further, the Act provides further 30 days time on the expiry of 60 days.

4. In the present case on hand, the first appellate Court failed to fix the time for payment of money. Further, it is also seen that the order has been passed on 30.10.2019 and that three months time was over. However, the first appellate Court failed to fix the time for depositing the amount. Hence, this Court is of the considered opinion that one more week can be extended for complying with the condition imposed by the first appellate Court. Accordingly, the petitioner is directed to comply the conditions as per the direction of the first appellate Court, on or before 17.03.2020. If the petitioner fails to comply the said conditions imposed by the first appellate Court on or before 17.03.2020, the order passed by the first appellate Court stands automatically cancelled.

5. With the above direction, this Criminal Original Petition is ordered.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1. The Principal District and Sessions Judge, Coimbatore

2. The Public Prosecutor, High Court, Madras.

3. The Judicial Magistrate, Fast Track Court at Magisterial Level-1, Coimbatore.

+1cc to Mr.C.S.Dhanasekaran , Advocate SR.No. 20936

CrI.O.P.No.5555 of 2020