



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.6942 of 2020

1.N.S.Rathinam & Sons,
Partnership Firm,
Rep. by its Partner,
Mr.R.Chandrasekaran,
No.291, MTH Road,
Avadi, Chennai - 600 054

2.R.Chandrasekaran,
Partner, M/s.N.S.Rathinam & Sons,
No.32 & 34, V.N. Doss Road,
Mount Road,
Chennai - 600 002

3.R.Akkammal,
Partner, M/s.N.S.Rathinam & Sons,
No.291, M.T.H.Road,
Avadi,
Chennai - 600 054

... Petitioners

Vs.

Badam Kavar
Rep. by her Power of Attorney Holder,
Deepak Jain,
No.57, New No.26, Taylors Road,
Rems Street, Kilpauk,
Chennai - 600 010

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 13.03.2020 made in Crl.MP.No.5818 of 2020 in Crl.MP.No.3030 of 2020 in Crl.MP.No.27017 of 2019 in Crl.A.No.416 of 2019 on the file of the Principal Sessions Court, Chennai.

For Petitioners : Mr.D.Lakshmipathy

O R D E R

This petition has been filed to set aside the order dated 13.03.2020 made in Crl.MP.No.5818 of 2020 in Crl.MP.No.3030 of 2020 in Crl.MP.No.27017 of 2019 in Crl.A.No.416 of 2019 on the file of the Principal Sessions Court, Chennai.



2. The petitioners had preferred Crl.A.No.416 of 2019 before the Principal Sessions Judge, Chennai, and also seeking suspension of sentence filed Crl.MP.No.27017 of 2019, which was ordered on 10.12.2019, and the petitioners were directed to deposit 20% of the cheque amount within 60 days from the date of the order. Thereafter, the petitioners filed a petition seeking extension of time for deposit of the said amount in Crl.MP.No.3030 of 2020, which was also ordered on 10.02.2020. However, they could not deposit the said amount within the said period. Therefore, they filed Crl.MP.No.5818 of 2020 in this regard, which was dismissed on 13.03.2020. Against the said order, the present petition is filed.

3. The learned counsel for the petitioner further submits that the 2nd petitioner's son's marriage was held on 12.03.2020 and therefore the petitioner were not in the position to mobilize the said amount as such they were unable to comply with the condition made in order dated 10.02.2020. He further submitted that there is a business transaction between the petitioners and the respondent and it is purely commercial which could not be proceeded in criminal complaint as early as possible.

4. Considering the above facts and circumstances of the case, this Court is inclined to allow this criminal original petition as such the order dated 13.03.2020 passed in Crl.MP. No.5818 of 2020 in Crl.MP.No.3030 of 2020 in Crl.MP.No.27017 of 2019 in Crl.A.No.416 of 2019 on the file of the Principal Sessions Court, Chennai is set aside and further time is granted for a period of 30 days from the date of receipt of copy of this order to comply with the order dated 10.02.2020 passed in Crl.MP.No.3030 of 2020 in Crl.MP.No.27017 of 2019 in Crl.A.No.416 of 2019.

5. Accordingly, this criminal original petition is allowed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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TO

The Principal Sessions Court,
Chennai.

Crl.O.P.No.6942 of 2020

RK(CO)
EMP(14/07/2020)