

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.6838 of 2020

1.N.S.Rathinam & Sons
Partnership Firm
Rep. By its Partner
Mr.R.Chandrasekaran

2.R.Chandrasekaran
3.R.Akkammal

... Petitioners

-vs-

Badam Kavar
Rep. by her Power of Attorney Holder
Mr.Deepak Jain

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 13.03.2020 made in Crl.M.P.No. 5820 of 2020 in Crl.MP.No.3032 of 2020 in Crl.MP.No.27019 of 2019 in Crl.A.No.418 of 2019 on the file of the Principal Sessions Court, Chennai.

For Petitioners : Mr.D.Lakshmipathy

ORDER

This petition has been filed to set aside the order dated 13.03.2020 made in Crl.M.P.No. 5820 of 2020 in Crl.MP.No.3032 of 2020 in Crl.MP.No.27019 of 2019 in Crl.A.No.418 of 2019 on the file of the Principal Sessions Court, Chennai.

2. The Petitioners had preferred a Crl.A.No.418 of 2019 before the Principal Sessions Judge, Chennai. Against the Judgment of the Trial Court, the petitioners sought suspension of sentence in Crl.MP.No.27019 of 2019 and seeking time for deposit of compensation amount in Crl.MP.No. 3032 of 2020. The compensation was to be paid as per Section 138 of Negotiable Instruments Act. The Trial Court by order dated 10.02.2020 in Crl.MP.No.3032 of 2020 directed the petitioners to deposit 20% of the cheque amount within 60 days. As per Section 148(ii) of

N.I. Act, extension of 30 days has been granted. For the reasons that the 3rd petitioner seems to be aged lady and has undergone heart operation and the 2nd petitioner's son marriage was fixed during the middle of March and for that reason they were not unable to mobilize the condition amount. Thereafter they again filed another petition in CrI.MP.No.5820 of 2020 dated 13.03.2020 seeking further extension of 30 days. The Principal Sessions Judge, Chennai by order dated 13.03.2020 had dismissed the said petition as per Section 148 of N.I. Act holding that the petitioners herein have been granted upto 90 days and not above to comply with the condition. Against the said order, the present petition is filed.

3. The learned counsel for the petitioner further submits that the 3rd petitioner is 77 years old lady and she has undergone major heart surgery and it was unexpected and with great difficulties petitioners were unable to mobilize the funds, moved out and seeks arms and they sought extension of time. 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. At this stage, for non payment of compensation amount if the petitioners were to be sent for confinement it would further deteriorate the health condition of the old lady/3rd petitioner.

4. Considering the above facts and circumstances of the case, this Court is inclined to grant further period of 30 days to comply the said condition amount.

5. In the result, this Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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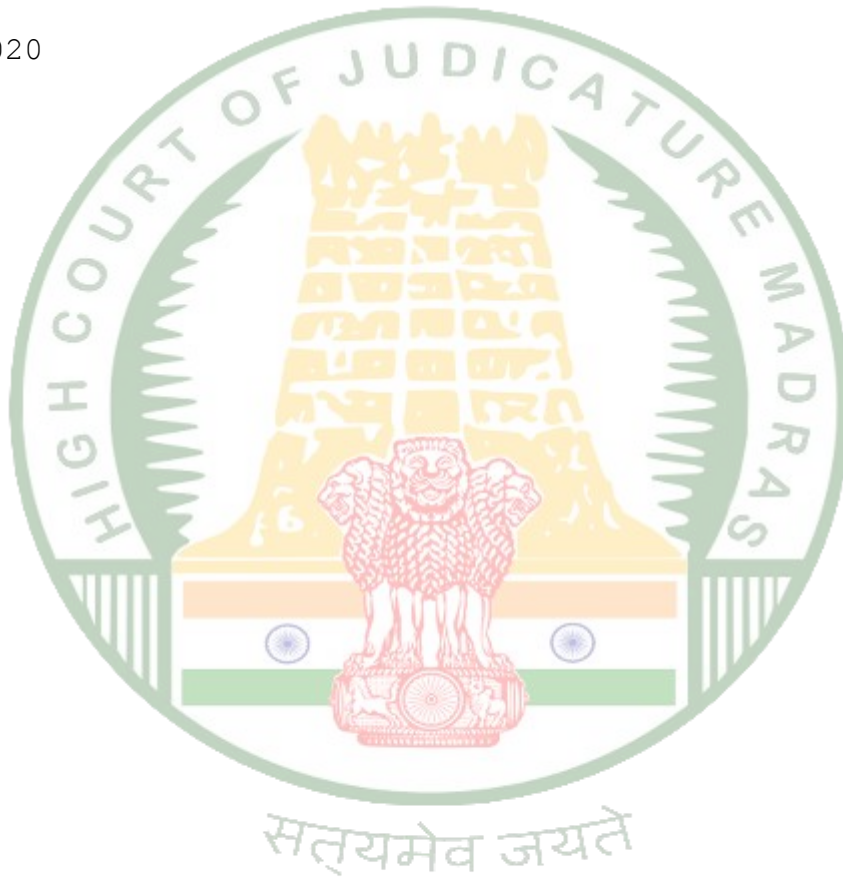
1. The Principal Sessions Judge,
Chennai.

2. The First Additional Sessions Judge,
Chennai.

3. The Metropolitan Magistrate,
Fast Track Court No.IV,
George Town, Chennai.

CRL.O.P.No.6838 of 2020

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