

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10445 of 2020

Babu M/62 yrs,
S/o.Chinnakuzandai,
No.33/17, Thiru-Vi-Ka Street,
GKM Colony,
Chennai-600 082.

... Petitioner

Vs

Kadirvel,
S/o.Murugan,
No.5, Mahatma Gandhi Street,
Anna Nagar, Kolathur,
Chennai-600 076.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside and modify the condition imposed in Crl.M.P.No.5223 of 2020 dated 04.03.2020 in Crl.A.No.60 of 2020 by the learned Principal Sessions Court, Chennai to deposit 20% of Cheque amount to be paid in the credit of CC No.3641 of 2018 and permit him to execute bail bond for Rs.10,000/- with two surety for the like sum of the satisfaction of learned FTC-II Metropolitan Magistrate, Allikulam, Chennai, due to prevailing pandemic Corona Virus/Covid-19 situation in the country.

For Petitioner : Mr.M.Anandan

For Respondent : Mr.Karthikeyan
Additional Public Prosecutor.

O R D E R

This petition has been filed to set aside the order passed in Crl.M.P.No.5223 of 2020 dated 04.03.2020 in Crl.A.No.60 of 2020 on the file of the learned Principal Sessions Court, Chennai, directing the petitioner to deposit 20% of the Cheque amount Rs.1,68,000/- to the credit of CC.No.3641 of 2018 while suspending the sentence the petitioner herein.

2. The learned counsel for the petitioner would submit that on the complaint lodged by the respondent under section 138 of Negotiable Instrument Act. The petitioner was convicted and sentenced to undergo simple imprisonment for a period of one

year and also was directed to pay compensation of the cheque amount to the tune of Rs.8,40,000/- to the respondent/defacto complainant by judgment dated 11.02.2020 on the file of the learned Metropolitan Magistrate, Fast Track-II, Allikulam, Chennai. Against which, the petitioner preferred an appeal in Crl.A.No.60 of 2020 before the First Appellate Court. The learned Principal Court while suspending the sentence, directed the petitioner to deposit 20% of the cheque amount to the credit of CC. Due to the Covid-19 circumstances and that the petitioner is being a senior citizen, he could not able to arrange the money of 20% of the cheque amount. Therefore, he sought for modification.

3. It is seen that the petitioner was convicted for the offence under section 138 of N.I.Act in CC.No.3641 of 2018 by judgement dated 11.02.2020. As against which, the petitioner preferred an appeal in Crl.A.No.60 of 2020 and the First Appellate Court; while suspending the sentence, imposed the condition that the petitioner shall deposit 20% of the cheque amount to the credit of CC.No.3641 of 2018 by an order dated 04.03.2020. Thereafter, within a period of 60 days from the date of the order, the said order has been challenged. Though in the present scenario of Covid-19 circumstances, the petitioner very well knowing the provisions filed this petition seeking to modify the condition even before completion of 60 days before this Court. That apart, the provision under section 143-A of N.I.Act provides only maximum period of 60 days to pay the deposit of 20% of the cheque amount. Therefore, this Court is not inclined to grant any relief to the petitioner and it cannot be extended beyond 60 days. Therefore, this petition is devoid of merits.

4. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The learned Principal Sessions Court, Chennai.
- 2.learned FTC-II Metropolitan Magistrate, Allikulam, Chennai.
- 3.The Public Prosecutor, High Court, Madras.

Crl.O.P.No.10445 of 2020

AD(CO)
RV(01/10/2020)