

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.OP.No.34318 of 2019

Poomani

..Petitioner

-Vs-

STATE THROUGH

1.The Public Prosecutor
Coimbatore.

2.S.Subramaniam ... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to extend the time granted in Crl.MP.No.3552 of 2019 in C.A.No.336 of 2019 dated 18.10.2019 on the file of the learned Principal District and Session Judge, Coimbatore.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

: M/s.D.Grace Juliet Praveena for R2

ORDER

This petition has been filed by the accused to extend the time granted by the Principal District and Session Judge, Coimbatore in Crl.MP.No.3552 of 2019 in C.A.No.336 of 2019 dated 18.10.2019 for executing the bail bond and also depositing the amount of Rs.81,600/- .

2. The learned counsel for the petitioner has submitted that based on the private complaint filed by the second respondent, the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore has taken the case on file in C.C.No.715 of 2017 and after full trial, the learned Magistrate has convicted the petitioner for the offence under Section 138 of the Negotiable Instruments Act to undergo simple imprisonment for a period of six months and to pay a sum of Rs.4,08,000/- as compensation along with interest at the rate of 6% per annum within one month, in default, the

petitioner shall undergo simple imprisonment for a period of three months. He further submitted that as against the judgment and sentence passed by the learned Judicial Magistrate, Fast Track Court at Magisterial Level-II, Coimbatore, the petitioner has filed an appeal in C.A.No.336 of 2019 on the file of the Principal District and Session Judge, Coimbatore and also filed a petition in CrI.MP.No.3552 of 2019 to suspend the sentence till the disposal of the appeal. He further submitted that the learned Principal District and Session Judge, Coimbatore by the order dated 18.10.2019 has ordered for suspension of sentence imposed with certain conditions that the petitioner shall execute a bail 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-II, Coimbatore within two weeks. He also directed the petitioner to deposit a sum of Rs.81,600/- towards the part of compensation amount before the lower court. He further submitted that since the petitioner is a poor lady and she has no independent income, she could not arrange sureties and also having difficulty for depositing the aforesaid amount as compensation within the time fixed by the Principal District and Session Judge, Coimbatore and hence, he requests to extend the aforesaid time for further period of two weeks to enable the petitioner to execute the bail bond and also the aforesaid deposit towards compensation.

3. The learned counsel for the second respondent has submitted that the Principal District and Session Judge, Coimbatore has granted time for two weeks for executing the bail bond and also depositing the compensation amount, the petitioner has not avail the said opportunity and hence, she opposed to allow this petition.

4. Considering the aforesaid submissions made by the learned counsel for the petitioner that the petitioner is a poor lady and she has no independent income, she could not arrange sureties and also having difficulty for depositing the aforesaid amount as compensation within the time fixed by the Principal District and Session Judge, Coimbatore, this Court is inclined to extend two weeks further time for executing bail bond and also for depositing a sum of Rs.81,600/- before the concerned trial court from the date of receipt of a copy of this order.

5. With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Vv

To

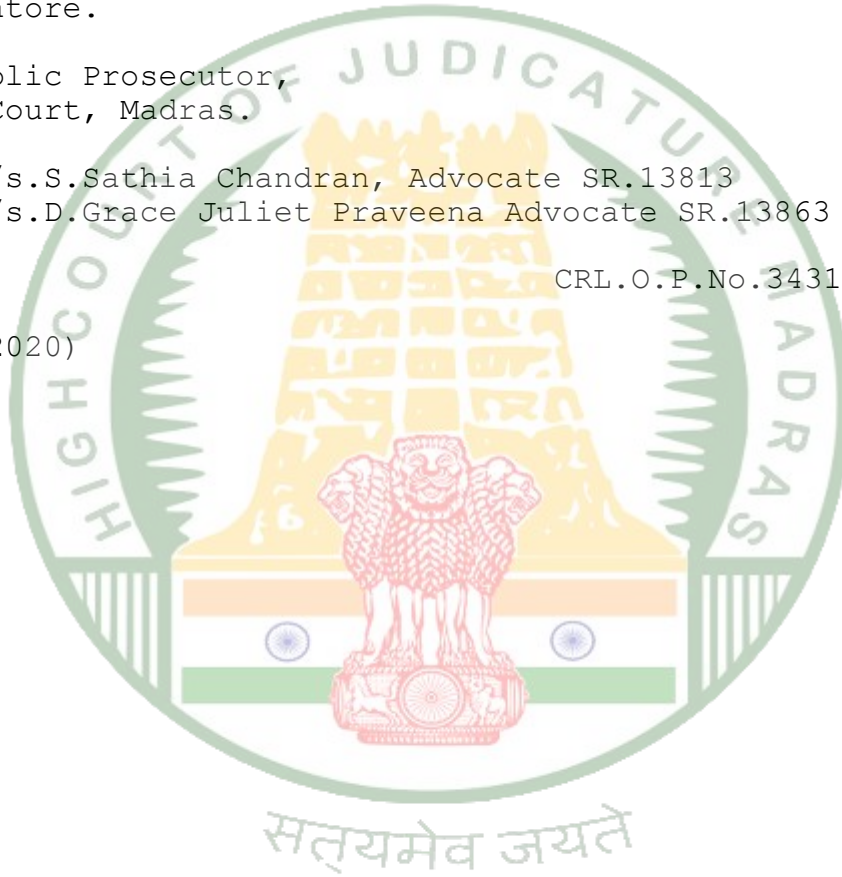
1. The Principal District and Session Judge,
Coimbatore.
2. The Judicial Magistrate, Fast Track Court,
Magisterial Level-II, Coimbatore.
3. The Public Prosecutor
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Sathia Chandran, Advocate SR.13813

+1cc to M/s.D.Grace Juliet Praveena Advocate SR.13863

CRL.O.P.No.34318 of 2019

VSN-II (CO)
CB(21/02/2020)



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