

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.34963 of 2019
and
CRL.MP.No.19292 of 2019

R.Designan ... Petitioner/Appellant

Vs.

M/s.S.G.Films Pvt., Ltd.,
Represented by its Director of Mr.P.Ramdass,
No.5/1, Ground Floor,
2nd street,
Alagar Perumal Koil,
Vadapalani,
Chennai 600 026.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition order passed in Crl.MP.No.26765 of 2019 in C.A.No.410 of 2019 dated 07/12/19 passed by the II Additional Sessions Judge I/c of Principal Sessions Court, Chennai, in so far as imposing condition to deposit 20% of the cheque amount as a condition to suspend the sentence.

For Petitioner : Mr.Sudharshana Sunder
for M/s.V.V. Sathya

O R D E R

This petition has been filed to modify the conditional order passed by the II Additional Sessions Judge, In-charge of Principal Sessions Judge, Chennai, in CRL.MP.No.26765 of 2019 in C.A.No.410 of 2019 dated 07.12.2019.

2. When this matter came up for admission for hearing before the vacation court of this court on 30.12.2019, it was ordered to send notice and also private notice was permitted. Accordingly, a notice was sent through the court and the same was returned as "respondent has left the address". The learned counsel for the petitioner has filed AOS stating that the private notice which was sent to the respondent also returned as

"addressee left". Hence after hearing the learned counsel for the petitioner and perusing the materials placed before this court, order is being passed in this petition.

3. The learned counsel for the petitioner has submitted that the respondent herein had filed a private complaint under Section 138 of the Negotiable Instruments Act and based on the same, the learned Metropolitan Magistrate, FTC-II, Egmore, Chennai, has taken the case on file in C.C.No.2356 of 2016 and convicted the petitioner herein by the judgment dated 07.11.2019 and sentenced the petitioner to undergo one year Simple Imprisonment and also directed the petitioner to pay Rs.30 lakhs as compensation within a month, in default, to undergo three months Simple Imprisonment. She further submitted that as against the same, the petitioner has filed a Criminal Appeal in Crl.A.No.410 of 2019 on the file of the Principal Sessions Judge, Chennai and also filed Crl.MP.No.26765 of 2019 to suspend the sentence imposed by the trial court and in the said petition, the learned II Additional Sessions Judge, in-charge of the Principal Sessions Judge, Chennai, by the order dated 07.12.2019 has passed an order that the said sentence shall be suspended on a condition that the petitioner shall deposit 20% of the cheque amount before the trial court within 60 days. She further submitted that the petitioner is a poor man and he is not able to mobilise funds to deposit such a huge amount and hence, she requests to extend the said time for depositing the amount for a further period of four weeks.

4. Considering the aforesaid submissions, four weeks time is extended for complying the aforesaid condition imposed by the learned II Additional Sessions Judge, In-charge of Principal Sessions Judge, Chennai in CRL.MP.No.26765 of 2019 in C.A.No.410 of 2011 dated 07.12.2019.

5. With the aforesaid direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

gv

To

1.The II Additional Sessions Judge,
I/c of Principal Sessions Court, Chennai.

+1cc to Mr.Sudharshana Sunder, Advocate SR.No.9308

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and
CRL.MP.No.19292 of 2019

JP (CO)
GMY (07/02/2020)



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