



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2020

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.6693 of 2020

WEB COPY

Jancy

...Petitioner/Petitioner/Appellant

Vs

A.John Edward

...Respondent/Respondent/Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, seeking for modification of the condition directing the petitioner to deposit a sum of Rs.5,00,000/- before the learned Judicial Magistrate No.IV, Tiruchirappalli to the credit of C.C.No.101 of 2014 on or before 07.04.2020, vide order dated 04.03.2020 passed in Cr.M.P.No.01 of 2020 in Crl.A.No.32 of 2020 on the file of the learned 1st Additional District Judge, (PCR), Tiruchirappalli, Tiruchirappalli District.

For Petitioner : Mr.A.Thiruvadi Kumar

ORDER

This petition is filed for a modification of the condition imposed by the learned I Additional District Judge, Tiruchirappalli in Cr.M.P.No.1 of 2020 in Crl.A.No.32 of 2020.

2.The case of the petitioner is that she faced trial before the learned Judicial Magistrate No.IV, Tiruchirappalli for the offence punishable under Section 138 of NI Act, in C.C.No.101 of 2014 and trial Court by judgment dated 28.01.2020 found her guilty for the offence, convicted and sentenced her to pay a fine of Rs.25,00,000/-, in default to undergo simple imprisonment for a period of three months and the above said fine was ordered to be paid as compensation under Section 37(1) Cr.P.C.

3.The petitioner as against the order passed in C.C.No.101 of 2014, filed an appeal before the learned I Additional District Judge, (PCR), Tiruchirappalli in Crl.A.No.32 of 2020 along with an application in Cr.M.P.No.01 of 2020 for suspension of the sentence, pending appeal.

4.The learned I Additional District Judge, Tiruchirappalli allowed the application in Cr.M.P.No.01 of 2020 with a condition to the petitioner to deposit a sum of Rs.5,00,000/- on or before 07.04.2020 before the trial Court.



5.Mr.Thiruvadi Kumar, learned Counsel for the petitioner submitted that an appeal is the statutory right and the order imposing condition to deposit would nullify the very purpose of the appeal. He would further submit that the petitioner is a physically challenged person and she is also suffering with serious medical ailments. In view of the present COVID-19 pandemic, she could not mobilise the said sum of Rs.5,00,000/- as directed by the appellate Court.

6.Though very many grounds have been raised in this petition, the learned Counsel for the petitioner sought indulgence of this Court for extension of one month time for complying with the order of the appellate Court, by taking into consideration the present COVID-19 pandemic and also considering the status of the petitioner that she is a physically challenged person, who is also suffering with several medical ailments.

7.Considering the present situation, if any notice is ordered to the respondent, it would further cause delay in the proceedings and therefore, notice to the respondent is dispensed with.

8.In view of the plea raised by the learned counsel for the petitioner that the petitioner is a physically challenged woman and also in view of the present COVID-19 pandemic situation this Court extends the time limit granted by the learned I Additional District Judge (PCR), Tiruchirappalli in Cr.M.P.No.01 of 2020, by four weeks.

9.Accordingly, the petitioner is directed to deposit the sum of Rs.5,00,000/- as directed by the learned I Additional District Judge (PCR), Tiruchirappalli in Cr.M.P.No.01 of 2020, within a period of four weeks from the date of receipt of a copy of this order.

10.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

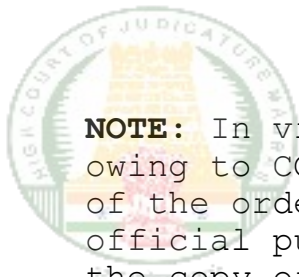
Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The I Additional District Judge, (PCR)
Tiruchirappalli.
- 2.The Judicial Magistrate No.IV,
Tiruchirappalli.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB(21.07.2020) 3P 4C