

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.1086 of 2021

AGAMADOU IBRAGUIME SHUAID

SIRADI TRADERS, NO.12, LEMAIRE STREET,  
KARAIKAL, PONDICHERRY-609 602.

...PETITIONER

Vs.

BRAVO LOGISTICS PVT LTD,  
REP BY MANAGING DIRECTOR Mr.MADHAN KUMAR,  
BLOCK D, 10TH FLOOR, EGA TRADE CENTRE,  
NEW NO.318, OLD NO.809, P.H.ROAD, KILPAUK, CHENNAI-10

...RESPONDENT

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to modify the conditions imposed by the learned principal sessions judge city civil court chennai by its order in Cr1 MP.No.27446/2019 in Cr1 A No.421/2019 dated 13.12.2019 as further the petitioner shall deposit a sum of Rs.2 00 000/- to the credit of C.C.No. On the file of the Trial Court within the stipulated period of time prescribed by the Hon'ble Court instead of further the petitioner shall deposit 20% of the cheque amount to the credit of CC number on the file of the Trial Court within sixty days from the date of this order.

For Petitioner : Mr.S.Kumaradevan

ORDER

This petition has been filed seeking for extension of time to deposit 20% of the compensation amount imposed as a condition by the Court below for granting suspension of sentence in favour of the petitioner.

2. The petitioner faced trial before the Metropolitan Magistrate, Fast Track Court, Egmore, Allikulam, Chennai for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 08.11.2019 convicted the petitioner and sentenced him to undergo 6 months simple imprisonment and directed the petitioner to pay Rs.43,73,398/- along with Rs.10,00,000/- as compensation within a period of 2 months, in default to undergo simple imprisonment consecutively.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal Sessions Judge, City Civil Court, Chennai. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 13.12.2019 suspended the sentence by imposing certain conditions. One of the conditions imposed by the appellate Court was that the petitioner should deposit 20% of the compensation amount ordered by the trial Court. The petitioner was given three months time to make this deposit.

4. The learned counsel for the petitioner submitted that the petitioner was not able to arrange for making this deposit due to financial constraints and therefore, the present petition has been filed seeking for extension of time. The learned counsel further submitted that the petitioner will deposit this amount within a period of two weeks from today.

5. Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioner to deposit 20% of the compensation amount ordered by the trial Court, within a period of two weeks from today. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar.

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To

1. The Principal Sessions Judge, City Civil Court, Chennai.
2. The Metropolitan Magistrate,  
Fast Track Court,  
Egmore, Allikulam, Chennai
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.Kumaradevan, Advocate, S.R.No.4192/2021.

NRA(29/01/2021)