

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2033 of 2021

R.Chinnasamy Naidu

... Petitioner

Vs.

Mr.M.Sathyanathan

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to extend time to the petitioner to comply the condition order passed in Crl. M.P.No.3515 of 2020 in Criminal Appeal No.28 of 2020 dated 23.12.2020 by the learned Principal Sessions Judge of Kancheepuram District at Chengalpattu directing the petitioner to deposit a sum of Rs.9,25,000/- before the trial Court within 30 days.

For Petitioner : Mr.M.Jaikumar

ORDER

This petition has been filed seeking for extension of time to deposit the sum of Rs.9,25,000/-, 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 learned Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 23.01.2020 convicted the petitioner and sentenced him to undergo one year simple imprisonment and directed the petitioner to pay Rs.37,00,000/- as compensation within a period of 30 days, in default to undergo simple imprisonment consecutively.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal Sessions Judge, Kancheepuram District at Chengalpattu. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 23.12.2020 suspended the sentence by imposing certain conditions. One of the conditions imposed by

the appellate Court was that the petitioner should deposit Rs.9,25,000/- being a part of the compensation amount ordered by the trial Court. The petitioner was given 30 days time to make this deposit.

4.The learned counsel for the petitioner submitted that the petitioner was not able to arrange for funds to make 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 five 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 Rs.9,25,000/- of the compensation amount ordered by the trial Court, on or before 15.03.2021. 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jv

To

1. The Principal Sessions Judge
Kancheepuram District at
Chengalpattu.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.Jaikumar, Advocate sr 7392.

Cr1.O.P.No.2033 of 2021

MP (CO)
SP(10/02/2021)