

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6652 of 2021

Ashraf

... Petitioner

vs.

Devaraj

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to extend the time by another one week to deposit 20% cheque amount before the trial Court in Crl.M.P.No.178 of 2021 in C.A.No.31 of 2020 dated 26.02.2021 IV Additional District and Sessions Judge, at Ponneri.

For Petitioner : Mr.R.Ganesh Kumar

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O R D E R

This Criminal Original Petition has been filed to extend the time by another one week to deposit 20% cheque amount before the trial Court in Crl.M.P.No.178 of 2021 in C.A.No.31 of 2020 dated 26.02.2021 passed by the learned IV Additional District and Sessions Judge, at Ponneri.

2.The learned counsel appearing for the petitioner submitted that the petitioner is an accused in S.T.C.No.1732 of 2017 for the offence under Section 138 of the Negotiable Instruments Act, which was filed and prosecuted by the respondent as complainant. The conclusion of the Judicial Magistrate No.I, Ponneri had found the petitioner guilty by Judgment dated 28.10.2020. Aggrieved against the same, the petitioner had filed an appeal in C.A.No.31 of 2020 before the Principal Sessions Court, Tiruvallur.

3.The learned counsel appearing for the petitioner further submitted that he had also filed a petition for suspension of sentence in Crl.M.P.No.2798 of 2020. By order dated 04.12.2020, the Principal Sessions Court, Tiruvallur had suspended the sentence and also directed the petitioner to

deposit 20% of the cheque amount before the trial Court, within a period of one month. The petitioner could not mobilize the funds for depositing the 20% of the cheque amount as per the orders of the Principal Sessions Court, Tiruvallur in Crl.M.P.No.2798 of 2020. Therefore, he had filed a petition in Crl.M.P.No.38 of 2021 seeking extension of time to deposit 20% of the cheque amount before the IV Additional District and Sessions Judge, Ponneri. The value of the cheque in this case is Rs.27,00,000/- (Rupees Twenty seven lakh only) and 20% of the cheque amount is Rs.5,40,000/- (Rupees five lakh forty thousand only). Since the petitioner could not mobilize the funds, he had filed another petition in Crl.M.P.No.178 of 2021 for seeking extension of time for a further period of two weeks before the appellate court. The appellate court by an order dated 26.02.2021 has granted extension and also directed the petitioner to pay 20% of the cheque amount before the trial court on or before 26.02.2021 and posted the matter on 02.03.2021. The petitioner was held up in Kerala, due to certain restrictions imposed due to raise in Corona, he was unable to travel back from Kerala, where he had gone for a business and held up. Further the petitioner took some more time for mobilizing the fund and he had approached the appellate court and made a plea for extension. Since the appellate court expressed its opinion that no further extension will be granted. Thereafter, the petitioner had approached this court to file this present Criminal Original Petition for extending the time for enabling him to make the payment of 20% of the cheque amount i.e. Rs.5,40,000/- in compliance of the order passed by the appellate court.

4.In view of the submission made by the learned counsel appearing for the petitioner, this court permits the petitioner to deposit 20% of the cheque amount i.e. Rs.5,40,000/- (Rupees five lakh forty thousand only) to the credit of the Judicial Magistrate Court No.I, Ponneri, within a period of 10 days from the date of receipt of a copy of this order.

5.In view of the above, this Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The IV Additional District and Sessions Judge,
Ponneri

2. The Judicial Magistrate No.I,
Ponneri.

+lcc to Mr.R.Ganesh Kumar, Advocate SR.No.23494.

CrI.O.P.No.6652 of 2021

PMK(CO)
CSR: 23.04.2021



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