



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.12899 of 2021

Shanmugasundaram

... Petitioner

Versus

T.Kannan

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to modify the condition imposed by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.8497 of 2021 directing the petitioner to deposit 20% of the cheque amount to the credit of C.C. number on the file of the trial court.

For Petitioner : Mr.A.P.Sathyamurthy

ORDER

The petitioner, who is the second accused in C.C. No.2777 of 2017 has filed this petition seeking modification.

2.The gist of the case is that the petitioner is running a propriety business in the name of "Mugil Foundation". During the course of their business, they had some business transaction with the respondent, due to which, the petitioner handed over some cheques, which has got dishonored. Therefore, a private complaint was lodged under Section 138 of N.I., Act and the same came to be taken on file in C.C.No.2777 of 2017. On completion of trial, before the XX- Metropolitan Magistrate, Allikulam Complex, Chennai, by its judgment dated 07.04.2021, the petitioner was found guilty of the above said offence and he was convicted and sentenced to undergo six months Simple Imprisonment and on further condition, to pay compensation of Rs.80,00,000/- (Rupees Eighty Lakhs only) in default to undergo three months Simple Imprisonment. Aggrieved against the same, the petitioner filed appeal in C.A.No.102 of 2021 and Crl.M.P.No.8497 of 2021, before the Principal Sessions Judge, Chennai, seeking suspension of sentence. The Appellate Court, as per Section 148 of N.I., (Amendment Act), 2018, had directed the



petitioner to pay 20% of cheque amount of Rs.16,00,000/- (Rupees Sixteen Lakhs only), within a period of sixty days, by order dated 26.04.2021 and posted the appeal on 02.06.2021.

3.The contention of the petitioner is that the petitioner is unable to arrange the amount of Rs.16 Lakhs and deposit, as directed by the Appellate Court, within the specific time. Due to pandemic situation, his entire business has come to a grinding halt, hence, the petitioner could not arrange the amount of money, rather, by liquidating his other resources. Hence, he seeks further period of two months time to pay the compensation amount.

4.Considering the pandemic period and precarious situation faced by the petitioner, this Court grants time to pay the compensation amount on or before 15.09.2021 being 20% of amount Rs.16 Lakhs before the Trial Court in C.C.No.2777 of 2017.

5.It is made clear that no further time extension would be granted.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

klt

To

The Principal Sessions Judge,
Chennai.

+1cc to Mr.A.P.Sathyamurthy, Advocate, S.R.No.36983

CRL.O.P.No.12899 of 2021

UM(CO)
CT/18/08/2021