



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16522 OF 2021

Thangadurai

...Petitioner

Vs.

P.Krishnasamy

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to extend the time for complying the condition that the petitioner shall deposit 20% of the cheque amount to the credit of C.C.number on the file of the Trial Court within Sixty days from the date of this order" in CrI.M.P.No.902 of 2021 dated 22.01.2021 passed by the learned Principal Sessions Judge, Chennai.

For Petitioners : Mr.A.P.Sathiyamurthy

ORDER

The petitioner, who is an accused in C.C.No.9905 of 2009 for offence under Section 138 of the Negotiable Instruments Act prosecuted by the respondent/complainant, has filed this criminal original petition.

2.On conclusion of the trial, the Metropolitan Magistrate, FTC- III, Saidapet, Chennai, by judgment dated 23.12.2020, convicted the petitioner. Aggrieved against the same, the petitioner preferred an appeal in C.A.No.13 of 2021 before the Principal Sessions Judge, Chennai along with C.M.P.No.902 of 2021 seeking suspension of sentence. The Sessions Court by order dated 22.01.2021 admitted the appeal and



further, granted suspension of sentence to the petitioner with a direction that the petitioner to deposit 20% of the cheque amount to the credit of C.C.No.9905 of 2009 before the Metropolitan Magistrate, FTC-III Saidapet, Chennai, within a period of sixty days.

3.The petitioner, due to pandemic situation, was unable to mobilize 20% of the cheque amount. According to the petitioner, the cheque amount involved in this case is Rs.14,00,000/- and 20% of the cheque amount works out to Rs.2,80,000/-. The petitioner has now mobilized the funds and when he approached the trial Court to deposit the same, he was not permitted for the reason that time granted by the lower appellate Court got expired. Hence, he has filed the above petition.

4.Considering the submission and on perusal of the materials, it is seen that one of the conditions is that the petitioner is to deposit 20% of the cheque amount. According to the petitioner, Rs.2,80,000/-, which ought to have been deposited within sixty days from the date of order in CrI.M.P.No.902 of 2021 i.e. 22.01.2021. The reason given by the petitioner that due to pandemic situation, he was unable to mobilize the fund within the stipulated time is agreeable.

5.In view of the above, this Court condoned the delay and direct the petitioner to deposit 20% of the cheque amount to the credit of C.C.No.9905 of 2009 and further to execute the sureties as per the order of the lower appellate Court in CrI.M.P.No.902 of 2021 within a period of 15 days from the date of receipt of a copy of this order.

6.With the above direction, the criminal original petition is allowed.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

SMS



To

1. The learned Principal Sessions Judge,
Chennai.

2. The Metropolitan Magistrate, FTC III,
Saidapet, Chennai.

+1cc to M/s.A.P.Sathiyamurthy, Advocate, S.R.No.47149

Cr1.O.P.No.16522 of 2021

PMK(CO)

RLP(22/10/2021)