



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15576 of 2021

Thangadurai

... Petitioner

Versus

P.Krishnasamy.

... Respondent

PRAYER: Criminal Original Petition 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 Crl.M.P.No.903 of 2021 dated 22.01.2021 passed by the learned Principal Sessions Judge, Chennai.

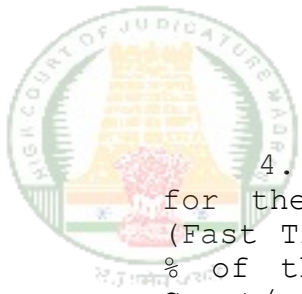
For Petitioner : M/s.P.Sathyamurthy.

ORDER

This Criminal Original Petition has been filed to extend the time to deposit 20% of the cheque amount as directed the trial Court.

2. The contention of the petitioner is that the petitioner, who is an accused in C.C.No.9906 of 2009 on the file of the Fast Track Court-III, Saidapet, Chennai, was convicted by the trial court 23.12.2020. Thereafter, he had preferred an appeal before the Principal Sessions Judge, Chennai in C.A.No.14 of 2021 along with Suspension of Sentence petition in Crl.M.P.No.903 of 2021. The Lower Appellate Court had granted suspension of sentence with a condition that the petitioner to deposit 20% of the cheque amount to the credit of C.C.No.9906 of 2009 before the Trial Court within 60 days. As the cheque amount is Rs.25,00,000/- (Rupees Twenty Five lakhs only), the 20% of the cheque amount comes to Rs.5,00,000/- (Rupees Five lakhs only) and the same to be deposited before the trial Court with in a period of 60 days. After a lapse of 60 days, the petitioner has made ready to deposit the said sum of Rs.5,00,000/- and approached the trial court and the trial court refused to receive the same as the time given by the Lower Appellate Court got lapsed.

3. The learned counsel would further submit that due to prevailing pandemic situation, with great difficulty, he was able to mobilize Rs.5,00,000/- and the prevailing pandemic situation was the reason for the delay in mobilization of fund. Now, he is ready to deposit the amount of Rs.5 lakhs before the trial court and prayed for necessary direction.



4. Considering the submission made by the learned counsel for the petitioner, the trial Court/Metropolitan Magistrate (Fast Track Court-III), Saidapet is directed to receive 20 % of the cheque amount as directed by the Lower Appellate Court/ Principal Sessions Court, Chennai, within a period of 15 days from the date of receipt of a copy of this order and also permit the petitioner to execute sureties and comply with the order in Crl.M.P.No.903 of 2021, dated 22.01.2021.

5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mpl/mrp

To

1. The Metropolitan Magistrate,
(Fast Track Court III),
Saidapet, Chennai.

2. The Principal Sessions Judge,
Chennai.

CRL.O.P.No.15576 of 2021

KSM(CO)
GN(15/09/2021)