



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.09.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16787 of 2021

Gopala Krishanan

... Petitioner

Versus

Pon.Baskaran
Rep.by his Power Agent
R.Sundaresan
No.82/5, Anan Salai
Vijayalakshmipuram
Ambattur
Chennai 600 053.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to extend the time for further four weeks to deposit 20% of the cheque before the trial Court in the credit of C.C.No.44 of 2019 in Crl.M.P.No.1293 of 2021 in C.A.No.21 of 2021 on the file of the Principal District and Sessions Judge, Tiruvallur.

For Petitioner : Mr.K.Thenrajan

ORDER

This petition has been filed to extend the time of further four weeks to deposit 20% of the cheque amount before the trial Court in the credit of C.C.No.44 of 2019 in Crl.M.P.No.1293 of 2021 in C.A.No.21 of 2021 on the file of the Principal District and Sessions Judge, Tiruvallur.

2. The petitioner is the accused in C.C.No.44 of 2019 for the offence under Section 138 of Negotiable Instruments Act, on the private complaint lodged by the respondent.

3. The contention of the petitioner is that he was convicted by the Judicial Magistrate, Fast Track Court, Magisterial Level, Ambattur in C.C.No.44 of 2019 by the order dated 25.02.2021 and sentenced to undergo 10 months simple imprisonment and also ordered to pay Rs.15,00,000/- as compensation to the complainant within two months. Aggrieved against the same, the petitioner had filed an appeal in C.A.No.21 of 2021 before the Principal District and Sessions Judge, (FAC), Tiruvallur and also filed suspension of sentence



in Crl.M.P.No.1293 of 2021. The Lower Appellate Court by the order dated 19.03.2021 admitted the appeal and suspended the sentence on condition that the petitioner shall deposit 20% of the compensation amount i.e., Rs.3,00,000/- before the trial Court within a period of two months, and transferred the case to the file of the II Additional District and Sessions Judge, Poonamallee. Due to the prevailing pandemic situation, the petitioner was unable to mobilize the amount of Rs.3,00,000/- within the stipulated period. The petitioner has now mobilized the amount and approached the trial Court, but the trial Court refused to receive the same on the ground that two months period got expired.

4. Considering the submissions and perused the materials, it is seen that the petitioner has now arranged 20% of the compensation amount of Rs.15,00,000/-, i.e., Rs.3,00,000/- and he is ready to deposit the same.

5. In view of the same, the trial Court is directed to receive the amount of Rs.3,00,000/- and credit the same in C.C.No.44 of 2019 and pass appropriate orders. The petitioner is directed to execute a bond for a sum of Rs.10,000/- with two sureties for like sum within a period of three weeks from the date of receipt of a copy of the order.

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Principal District and Sessions Judge,
Tiruvallur.

2.The Judicial Magistrate, Fast Track Court,
Magisterial Level, Ambattur.

+1 cc to Mr.K.Thenrajan, Advocate Sr.NO. 47719

CRL.O.P.No.16787 of 2021

A.SK(13.10.2021)