

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21167 of 2020

Sivasankar

.. Petitioner

Vs.

K.Sakthivel

.. Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to extend the time to the petitioner to comply the condition passed in Crl.M.P.No.3047 of 2020 in Crl.M.P.No.3633 of 2020 dated 09.10.2020 passed by the Principal Sessions Judge of Kancheepuram District at Chengalpattu.

For Petitioner : Mr.M.Jaikumar

ORDER

This petition has been filed seeking for extension of time to deposit Rs.1,47,000/- towards part of compensation amount imposed as a condition by the Court below for granting suspension of sentence in favour of the petitioner.

2. The petitioner faced trial before the Judicial Magistrate, Fast Track Court (Magisterial Level), Alandur, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 05.03.2020 convicted the petitioner and sentenced him to undergo 6 months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.5,58,000/- as compensation within a period of one month, in default to undergo 30 days simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal Sessions Judge, Kancheepuram District at Chengalpattu. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 09.10.2020 suspended the sentence by imposing certain conditions. One of the condition imposed by the appellate Court was that the petitioner should deposit Rs.1,47,000/- towards part of compensation amount ordered by the trial Court. The petitioner was given one month time to make

this deposit.

4. The learned counsel for the petitioner submitted that the petitioner was not able to arrange for making this deposit due to financial constrains and therefore, the present petition has been filed seeking for extension of time. The learned counsel further submitted that the petitioner will deposit this amount within a period of ten days from today.

5. Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioner to deposit Rs.1,47,000/- towards part of compensation amount ordered by the trial Court within a period of one week from the date of receipt of copy of this order. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

ssr/msr
To

1. The Principal Sessions Judge of Kancheepuram District,
Chengalpattu.
2. The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Alandur.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Jaikumar Advocate sr608

CrI.O.P.No.21167 of 2020

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