



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Jurisdiction

**Friday, the Twenty Fifth day of June,
Two Thousand and Twenty One**

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PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL MP(MD) . No.4042 of 2021

in

CRL RC(MD) No.427 of 2017

Viswanathan, M/51 years,
S/o.Raghavan,
Karthiga Illam,
Near Majamalai Tea Factory,
Vandiperiyar,
Idukki District,
State of Kerala.

... Petitioner/Petitioner

Vs

Shobana,
D/o.Paramanantham,
Shobana House,
Panchayaat Bord Line,
Boothipuram,
Bodi Taluk,
Theni District.

... Respondent/Respondent

Prayer :-

Criminal Miscellaneous Petition has been filed under Section 482 of the Code of Criminal Procedure, praying this Hon'ble Court to extend the time mentioned in Crl.R.C(MD)No.427 of 2017 dated 22.12.2020 to further period of four months to comply with the order passed in the above Criminal Revision Case.

Prayer in Crl.RC(MD) No.427 of 2017:

Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the learned Additional District and Sessions Judge, Theni at Periyakulam in C.A. No.61 of 2013 by judgment dated 21.02.2017 confirming the conviction and sentence of imprisonment for 6 months and imposed the fine of Rs.5,000/- in default of payment of fine to undergo simple imprisonment of one month for the offence under Section 138 of Negotiable Instrument Act imposed by the learned Judicial Magistrate, Fast Track Court (ML),



Theni in S.T.C. No.321 of 2011 by the judgment dated 21.08.2013 and set aside the judgment of the Courts below and acquit the petitioner.

ORDER:- This Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.Kannan, Advocate for the Petitioner and of Mr.V.O.S.Kalaiselvam, Advocate for the respondent, this Court made the following Order: When the case came up for hearing on 18.06.2021, the learned counsel appearing for the revision petitioner submitted that he had filed Crl.M.P.(MD)No.4042 of 2021, seeking extension of time, in the light of the orders passed in Crl.R.C.(MD)No.427 of 2017 dated 22.12.2020. The then learned Single Judge had observed that the sentence of imprisonment had been modified in such a manner that the revision petitioner shall deposit an amount of Rs.4,00,000/- (Rupees Four Lakhs Only) (Cheque amount) to the credit of S.T.C.No.321 of 2011 on the file of the learned Judicial Magistrate (Fast Tract Court Magisterial Level), Theni, within a period of four months from the date of receipt of the said order. The order was passed on 21.12.2020. From that date the period of fourth month is on or before 30.04.2021. The Court commenced functioning from 14.06.2021. Therefore, considering the intervening lockdown imposed by the State in the light of pandemic, the petitioner seeking time to pay the amount is found justified. Therefore, the petitioner was directed to pay any part of the amount out of Rs.4,00,000/- to the respondent or to the file of the learned Judicial Magistrate (Fast Tract Court Magisterial Level), Theni and to furnish proof of same before this Court, only on consideration of the same further time will be granted.

2.Today, 25.06.2021 the learned counsel for the petitioner submitted that he had already deposited a sum of Rs.50,000/- to the learned counsel for the respondent and furnished a copy of the same through chat box. Based on the same, time is extended in such a manner that the petitioner is directed to deposit a sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand Only) on or before 30.07.2021, a further sum of Rs.1,25,000/- (Rupees One Lakh and Twenty Five Thousand Only) on or before 27.08.2021 and a further sum of Rs.1,00,000/- on or before 30.09.2021 to the credit of S.T.C.No.321 of 2011 on the file of the learned Judicial Magistrate (Fast Tract Court Magisterial Level), Theni and no further time will be granted to the petitioner. In default of the said modified order, order now passed will stand automatically vacated and instead learned Judicial Magistrate will be directed to issue warrant against the petitioner to undergo the sentence of imprisonment.



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3.The criminal miscellaneous petition is disposed of accordingly.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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TO

1. The Additional District and Sessions Judge,
Theni at Periyakulam, Theni District.
2. The Judicial Magistrate,
Fast Track Court (Magisterial Level),
Theni.

ORDER DATED : 25/06/2021

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ORDER

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CRL MP (MD) . No.4042 of 2021
in
CRL RC (MD) No.427 of 2017
Giving direction and etc.
as stated within.

KB (06.07.2021) 3P 3C