



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.2465 of 2022

T.Loganathan

... Petitioner/Accused

Versus

Kalidas

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to extent the time for enabling the petitioner to comply the condition imposed in Crl.M.P.No.5625 of 2021 in Crl.A.No.98 of 2021 by order dated 22.12.2021 passed by the Principal District and Sessions Judge, Thiruvallur.

For Petitioner : Mr.R.Thirumoorthy

O R D E R

This Criminal Original Petition is filed to extent the time for enabling the petitioner to comply the condition imposed in Crl.M.P.No.5625 of 2021 in Crl.A.No.98 of 2021 by order dated 22.12.2021 passed by the Principal District and Sessions Judge, Thiruvallur.

2.The petitioner is an accused in a 138 case filed by the respondent in C.C.No.182 of 2019 on the file of the Judicial Magistrate, Fast Track Court at Magisterial Level, Ambattur was found guilty and convicted by the trial Court on 16.11.2021. The trial Court had directed the petitioner to undergo seven months simple imprisonment and to pay a sum of Rs.6,00,000/- as compensation to the respondent, within a period of two months. Aggrieved against the Judgment of the trial Court, the petitioner had preferred an appeal in C.A.No.98 of 2021, before the Sessions Court and he also filed a petition in Crl.M.P.No.5625 of 2021 for suspension of sentence. The learned Principal District and Sessions Judge, Tiruvallur, by order dated 22.12.2021 had suspended the sentence and directed the



petitioner to deposit the compensation amount imposed by the trial Court, within a period of one month i.e. on or before 21.01.2022.

3.The contention of the petitioner is that as per Section 138 of the Negotiable Instruments Act, the above said two months time is extended by one more month for proper reason, in total 90 days in total to deposit the compensation amount. In this case, 20% of the compensation amount is Rs.1,20,000/-, for which the petitioner seeks extension of time for mobilizing and depositing the amount. The petitioner/accused to give 90 days time i.e. 60 + 30 days = 90 days time. The lower Court and the lower appellate Court had given only 30 days time, which is not proper and it is against the provision.

4.In view of the same, the petitioner is given 90 days time to deposit Rs.1,20,000/- i.e. 20% of the compensation amount. The above said 90 days is from the date of issuance of this order copy. Considering that due to the pandemic period the petitioner is finding it difficult to mobilize the fund.

5.With the above observation, this Criminal Original Petition stands disposed of.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1.The Principal District and Sessions Judge,
Thiruvallur.

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

3.-Do- Thro The Chief Judicial Magistrate,
Tiruvallur.

CRL.O.P.No.2465 of 2022

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