



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.Nos.25571, 25574, 25576 & 25579 of 2021
and
Crl.M.P.Nos.14161, 14162, 14165 & 14166 of 2021

Rupa.R

...Petitioner in all Crl.O.Ps

Vs

M/s.Sree Gokulam Chit &
Finance Co (Pvt) Ltd.,
Represented by its Manager/Authorized Officer,
A.Selvaraj,
No.66, Old No.356, Arcot road,
Kodambakkam, Chennai - 600 024.

...Respondent in all Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.Nos.4732, 4735, 4734 & 4733 of 2021 in Crl.Appeal Nos.76, 79, 78 & 77 of 2021 respectively, vide order dated on 07.12.2021 on the file of Principal District Judge, Thiruvallur now transferred and pending before III Additional District & Sessions Judge, Poonamallee, and grant the petitioner herein the Statutory period for deposit as per Sec.148(2) of the Negotiable Instruments (Amendment) Act, 2018.

In all Crl.O.Ps

For Petitioner : Mr.L.K.Manjunath
in all Crl.O.Ps

COMMON ORDER

These Criminal Original Petitions have been filed to set aside the order passed in Crl.M.P.Nos.4732, 4735, 4734 & 4733 of 2021 in Crl.Appeal Nos.76, 79, 78 & 77 of 2021 respectively, vide order dated 07.12.2021, on the file of Principal District and Sessions Judge, Tiruvallur, now transferred and pending before III Additional District & Sessions Judge, Poonamallee, and grant the petitioner herein the Statutory period for deposit as per section 148(2) of the Negotiable Instruments (Amendment) Act, 2018.



2. The grievance of the petitioner is that the petitioner who is the accused under Section 138 N.I. Act against the case filed by the respondent in STC Nos.210, 213, 212 & 211 of 2016, on the file of the Judicial Magistrate, Fast Track Court, (Magistrate Level), Ambattur, was convicted by the trial Court, by judgment dated 29.09.2021, against which, the petitioner had filed appeals in Crl.Appeal Nos.76, 79, 78 & 77 of 2021 and filed suspension of sentence petitions in Crl.M.P.Nos.4732, 4735, 4734 & 4733 of 2021. The lower Court, by order dated 07.12.2021, in Crl.M.P.Nos.4732, 4735, 4734 & 4733 of 2021, suspended the sentence of the petitioner with a condition that the petitioner to deposit the 20% of the compensation amount before the trial Court to the credit of STC Nos.210, 213, 212 & 211 of 2016, respectively, within a period of one month. The contention of the petitioner is that this is in violation of the statutory period of two months provided under Section 148 (2) of the Negotiable Instruments (Amendment) Act. The learned counsel for the petitioner submits that the petitioner may be given the statutory period and also the extended period to deposit the 20% of the compensation amount. The learned counsel for the petitioner further submits that the petitioner, who is a Home maker, has become victim due to the family circumstances and the condition is an onerous one and it would not be possible for her to mobilise such huge amount.

3. For the purpose of clarity, Section 148(2) of the Negotiable Instruments (Amendment) Act is extracted hereunder:

'148. (2) The amount referred to in sub-section (1) shall be deposited within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the appellant'.

It is seen that as per Section 148(2) of the Negotiable Instruments (Amendment) Act, sixty days time limit is given. Further, it can be extended by thirty days on sufficient cause being shown. In view of the same, the petitioner is granted a period of two months to deposit the 20% of the compensation amount i.e. on or before 07.03.2022. It is made clear that no more extension of time will be granted for any reason.

4. Accordingly, these criminal original petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//



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To

1.The Principal District Judge,
Thiruvallur.

2.The III Additional District and Sessions Judge,
Poonamallee.

+lcc to Mr.N.R.Anantha Rama Krishnan, Advocate SR. No.483

CRL.O.P.Nos.25571, 25574, 25576 & 25579 of 2021
and
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GPL (CO)
PR (31/01/2022)