



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.26650 of 2022

R.Mohanakrishnan

...

Petitioner

versus

S.Devi

...

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the order dated 11.10.2022 made in Crl.M.P.No.18865 of 2022 on the file of the learned Principal Sessions Judge, Chennai and to allow the above petition.

For Petitioner

: Mr.M.Prashanth

ORDER

This Criminal Original Petition has been filed to set aside the order of the learned Principal Sessions Judge, Chennai dated 11.10.2022 made in Crl.M.P.No.18865 of 2022 in Crl.M.P.No.14211 of 2022 in C.A.No.170 of 2022 in C.C.No.2388 of 2019.



2. The petitioner is the accused against whom the respondent has filed a private complaint for the offence under Section 138 of Negotiable Instruments Act. At the conclusion of the trial in C.C.No.2388 of 2019, the petitioner was convicted. The judgment was challenged by the petitioner by preferring an appeal in C.A.No.170 of 2022. On the application (Crl.M.P.No.14211 of 2022) filed by the petitioner, the sentence was suspended on condition to deposit 20% of the compensation amount before the trial Court within 60 days from the date of the order. Since the petitioner did not comply the condition, he had filed a petition in Crl.M.P.No.18865 of 2022 seeking extension of time for making payment but the said petition was dismissed on 11.10.2022. Aggrieved over that, the petitioner has filed this Criminal Original Petition.

3. The learned counsel for the petitioner submitted that the petitioner was put to financial crunch due to his mother's cancer treatment. He further submitted that the petitioner's mother died on 04.09.2022 and thereafter, he was subjected to severe mental trauma and he was pushed to meet poor financial status. Without considering the genuineness of the



petitioner's request, the learned Principal Sessions Judge had dismissed the petitioner and hence, the order of the learned Principal Sessions Judge should be set aside.

4. The petitioner had filed documents to show that his mother had suffered from cancer and for which treatment was being given. The petitioner has stated that his mother subsequently died and he was put to severe financial crunch, the petitioner has sought a short time. The act itself allows 60 days maximum time. Hence, I feel that the petitioner shall be given an opportunity to comply the condition by extending the time for further two weeks.

5. With these observations, this Criminal Original Petition is allowed and the order of the learned Principal Sessions Judge, Chennai dated 11.10.2022 made in Crl.M.P.No.18865 of 2022 in Crl.M.P.No.14211 of 2022 in C.A.No.170 of 2022 in C.C.No.2388 of 2019 is set aside and the time for complying the order is extended by two weeks from the date of receipt of a copy of this order.



03.11.2022

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Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

1.The Principal Sessions Judge,
Chennai.

2.The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

sri

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