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CRL.O.P.No.29359 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.No. 29359 of 2022

G.D.Prabhavathi

Proprietrix of M/s.P.C.Cartan Creations,
No.148, SIDCO Women's Industrial Park,
Kattur, Tirumullaivoyal,
Cheenai 600 062.

.. Petitioner/Accused

Versus

M.K.K.P. Enterprises,
Represented by its Proprietor,
Mr.B.Mohar Singh.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to extend the time to deposit the said amount of 20% of Compensation amount, passed by the Principal District an Sessions Judge, Tiruvallur in Crl.MP.No.2328 of 2022 in Crl.Appeal No.44 of 2022 dated 12.08.2022 which was pending on the file of IV Additional District and Sessions Judge, Ponneri.

For Petitioner : Mr.V.N.Amudhan



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ORDER

This Criminal Original Petition has been filed to extend the time to deposit 20% of Compensation amount, pursuant to the order passed by the learned Principal District and Sessions Judge, Tiruvallur, in CrI.MP.No.2328 of 2022 in CrI.Appeal No.44 of 2022 dated 12.08.2022, which was pending on the file of IV Additional District and Sessions Judge, Ponneri.

2. The learned counsel for the petitioner submitted that the petitioner is the second accused and he is the proprietor of M/s.P.C. CARTON CREATIONS.

3. On perusal of the records, it is seen that the respondent/complainant has given a private complaint against the petitioner and his company for the offence under Section 138 of the Negotiable Instruments Act, 1881; the case has been taken on file of the learned Judicial Magistrate II, Ponneri, in SC.No.292 of 2020. After conclusion of the trial, the petitioner was found guilty and he was convicted and sentenced to undergo ten months simple imprisonment and to pay a compensation of Rs.5,22,917/- . Aggrieved over



that the petitioner has preferred a Criminal Appeal in Crl.A.No.44 of 2022. In the said appeal, he has filed a petition in Crl.MP.No.2328 of 2022 for suspension of sentence and in which, the learned Principal District And Sessions Judge, Tiruvallur has suspended the sentence of imprisonment alone on a condition that the petitioner should pay 20 % of the compensation amount within a period of 60 days from the date of that order i.e.12.08.2022. Now, the petitioner has filed the present petition seeking extension of two weeks time to comply the said order.

4. Since the condition has been imposed by the learned Principal District And Sessions Judge, Tiruvallur, the petitioner could have filed a petition seeking extension of time before the learned IV Additional District and Sessions Judge, Ponneri itself. However, the petitioner has directly filed this petition before this Court seeking extension of time. To avoid further delay and in the interest of justice, I feel it is appropriate to grant an extension of time for two weeks.



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R.N.MANJULA, J.,

jrs

In the result, the Criminal Original Petition is **allowed**. The petitioner is granted extension of time for two weeks from the date of receipt of the copy of this order in order to comply the conditional order passed in CrI.MP.No.2328 of 2022 in CrI.A.No.44 of 2022, by the learned Principal District and Sessions Judge, Thiruvallur, dated 12.08.2022.

01.12.2022

Index: Yes/No
Internet: Yes/No
Speaking/ Non-speaking

jrs

Note to the office: Issue the order copy today.

To:

1. The Inspector of Police,
DCP Namakkal,
Namakkal District.
2. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No. 29359 of 2022