



Crl.O.P.No.27904 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.No.27904 of 2022

1. E.Gomathi
2. Wayline Point,
Rep. by its Proprietrix E.Gomathi,
No.54, Fanpet II Street,
Nandanam, Chennai-35.

... Petitioners

Vs.

ASR Resin & Chemicals Co.
Rep. by its Partner, Arun S Rathore,
Door No.22/A, Venkatesa Thyagaraja Nagar,
100 feet road, Villivakkam, Chennai-49.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside and modify the order dated 04.11.2022 in Crl.M.P.No.21141/2022 in Crl.M.P.No.15837/2022 in C.A.No.184/2022 passed by the learned Principal Sessions Judge, Chennai by extending the time from one week to one month for complying the order of suspension of sentence in the above mentioned Crl.M.P.No.15837/2022.



Crl.O.P.No.27904 of 2022

For Petitioner : Mr.G.Magesh Kumar

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ORDER

This Criminal Original Petition has been filed to set aside and modify the order dated 04.11.2022 in Crl.M.P.No.21141/2022 in Crl.M.P.No. 15837/2022 in C.A.No.184/2022 passed by the learned Principal Sessions Judge, Chennai by extending the time from one week to one month for complying the order of suspension of sentence in the above mentioned Crl.M.P.No.15837/2022.

2. A perusal of the records shows that the petitioner is the accused in C.C.No.268 of 2017 on the file of the learned Metropolitan Magistrate, Fast Track Court No.1, Egmore @ Allikulam, Chennai. After Trial, the Trial Court convicted the petitioner under Section 138 of Negotiable Instruments Act and sentenced her to undergo two years Simple Imprisonment with compensation of double the cheque amount, shall be paid to the complainant, calculating the amount mentioned in the complaint within two months, in default, to undergo simple imprisonment for a further period of six months.



Crl.O.P.No.27904 of 2022

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3. Aggrieved over the above order, the petitioner filed an appeal in C.A.184/2022 before the Principal Sessions Judge, Chennai and also filed a petition in Crl.M.P.No.15837/2022 to suspend the sentence. The Appellate Court, while suspending the sentence, directed the petitioner to deposit 20% of the compensation amount to the credit of C.C.No.268/2017 on the file of the Trial Court, within sixty days from the date of the order i.e. on 02.09.2022. Subsequently, the petitioner filed a petition in Crl.M.P.No. 21141/2022 seeking extension of time granted in Crl.M.P.No.15837/2022 dated 02.09.2022. The Appellate Court, vide order dated 04.11.2022, has allowed the petition by granting one week time till 11.11.2022, to deposit the amount. Challenging the above order, this criminal original petition has been filed.

4. According to the petitioner, the Appellate Court has extended only one week time and hence, the same may be modified, by extending time for one month, to comply the order of suspension of sentence.



Crl.O.P.No.27904 of 2022

5. Per-se, this application is unsustainable, since the Appellate Court has not passed any adverse order against the petitioner and only has extended one week time to comply the order. In such circumstances, it is for the petitioner, either to comply the order within the time, or to file a petition before the Appellate Court seeking extension of further time. Therefore, this Court is of the view that, in the absence of any adverse order against the petitioner, this petition is unsustainable and hence, the same is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed.

15.11.2022

Note: Issue Order copy on 15.11.2022

Index:Yes/No

mst

To:

1. The Principal Sessions Judge,
Chennai.

2.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.27904 of 2022

V.SIVAGNANAM, J.

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Crl.O.P. No.27904 of 2022

15.11.2022