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Crl.M.P.No.17539 of 2022
in Crl.OP.No.24537 of 2021

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R.N.MANJULA, J.

This Criminal Miscellaneous Petition has been filed to extend the time to comply with the order dated 17.08.2022 passed in Crl.O.P.No.24537 of 2021 for depositing 20 percentage of the compensation amount alone imposed in Crl.M.P.No.4566 of 2021 in Crl.A.No.69 of 2021 dated 10.11.2021 pending on the file of the learned Principal District and Sessions Court, Tiruvallur.

2.The petitioner is the accused in the private complaint filed by the respondent before the learned Judicial Magistrate, Thiruvottiur, for the offence under Section 138 of the Negotiable Instruments Act, 1881. After trial, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of six months and a compensation of Rs.1,80,00,000/- was awarded to be payable by the petitioner to the respondent. Aggrieved over the same, the petitioner has preferred an Appeal in Crl.A.No.69 of 2021 and in which he filed a Criminal Miscellaneous Petition in Crl.MP.No.4566 of 2021, for suspending the sentence. In the said petition, a conditional order dated 10.11.2021 has



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been passed by the Appellate Court by stating that the sentence will be suspended on condition that the petitioner shall deposit 20% of the compensation amount alone, within a period of one month. Challenging the said order, the petitioner has preferred a Criminal Original Petition in Crl.O.P.No.24537 of 2021 and the same was dismissed by this Court on 17.08.2022.

3.It is seen from the order of the learned Principal District and Sessions Judge, Tiruvallur, dated 10.11.2021 made in Crl.MP.No.4566 of 2021 that the petitioner shall deposit 20% of the compensation amount alone within a period of one month, however, the said one month time has already expired on 10.12.2021. After a lapse of nearly one year, he had filed this petition seeking extension of time.

4.It is strange to see that the petitioner against whom an order of conviction has been passed, has not yet been arrested and that is being taken advantage of the petitioner by filing this petition for extension of time.

5.In that petition, he has stated that he is taking steps to deposit 20% of amount imposed upon him in three installments on



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30.11.2022, 30.12.2022 and 31.01.2023. The 20% of the total compensation is arrived at Rs.36,00,000/- which the petitioner intends to pay in three installments @ Rs.12,00,000/- each.

6.Mr.V.Kannadasan, learned counsel for the respondent entered appearance and submitted that he has no objection, if the petitioner deposits the said amount as undertaken by him.

7. Considering the submissions made on either side, time is extended to enable the petitioner to deposit 20% of the compensation alone in three instalments (Rs.12,00,000/ each). The petitioner shall pay the first instalment on or before 30.11.2022, second instalment on or before 31.12.2022 and the third and final instalment on or before 31.01.2023. If failure to abide this order will automatically deprive the petitioner from getting the benefit of this order.

22.11.2022

jrs

Internet: Yes/No

Note to office: issue the order copy on 28.11.2022.



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