



Crl.O.P No.28758 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

Crl.O.P No.28758 of 2022

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

... Petitioners

Vs.

ASR Resin & Chemicals Co.
Represented by its Partner,
Arun S Rathore,
Door No.22/A. Venkatesa Thyagaraja Nagar,
100 Feet Road, Villivakkam,
Chennai 49.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 17.11.2022 in Crl.M.P. No.22166/2022 in Crl.M.P. No.15837/2022 in C.A. No.184/2022 passed by the learned Principal Sessions Judge, Chennai and thereby grant time for complying the order of suspension of sentence in above mentioned Crl.M.P. No.15837/2022.

For Petitioner : Mr.G.Mageshkumar



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 17.11.2022 in Crl.M.P. No.22166/2022 in Crl.M.P. No.15837/2022 in C.A. No.184/2022 passed by the learned Principal Sessions Judge, Chennai and grant time for complying the order of suspension of sentence in Crl.M.P. No.15837/2022.

2. The petitioner is a convicted accused in the case in C.C. No.268/2017 on the file of the learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai. The said case has arisen out of a private complaint given by the respondent against the petitioners for the offence under Section 138 of Negotiable Instruments Act. After conviction, the petitioner had filed a petition in Crl.M.P. No.15837/2022 before the learned Principal Sessions Judge, Chennai for suspending the sentence. The learned Principal Sessions Judge, Chennai has passed a conditional order of paying 20% of the compensation amount to suspend the sentence imposed against the first petitioner. The first petitioner had filed a petition in Crl.M.P. No.21141 of 2022 before the learned Principal Sessions Judge, Chennai to extend the time granted in the earlier order and accordingly the time was



extended till 11.11.2022 to deposit the said amount. The petitioner had once again filed a petition in Crl.O.P. No.22166/2022 for seeking further extension and the same was dismissed on 17.11.2022. Aggrieved over that, the present Criminal Original Petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner would pay 20% of the compensation amount by way of two installments i.e. first installment for a sum of Rs.4,00,000/- (Rupees Four Lakh Only) within a period of one week and thereafter, he would pay a sum of Rs.6,30,278/- (Rupees Six Lakhs Thirty Thousand Two Hundred and Seventy Eight) on or before 25.01.2023 as second installment.

4. Accordingly, this Criminal Original Petition is allowed on a condition that the petitioner shall pay 20% of the compensation awarded to the credit of C.C. No.268/2017 on the file of the Metropolitan Magistrate, Fast Track Court-1, Egmore @ Allikulam, Chennai, in two instalments i.e. first installment for a sum of Rs.4,00,000/-(Rupees Four Lakh Only) shall be paid on or before 01.12.2022 and second installment for a sum of Rs.6,30,278/- (Rupees Six Lakhs Thirty Thousand Two Hundred and



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Seventy Eight Only) shall be paid on or before 25.01.2023. Failing to comply the above condition imposed would deprive the petitioner from getting benefit of this order.

23.11.2022

Index : Yes/No
Speaking Order : Yes / No

Note to Office: Issue order copy by 24.11.2022

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To:

1.The Superintendent of Police,
Salem District.

2.The Inspector of Police,
Attaiyampatti Police Station,
Salem District – 637 501.

3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.,

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21.11.2022