



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.7551 of 2022

K.Vinoth Kumar

... Petitioner/Accused No.1

Vs.

T.Nammazhvar

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the learned Principal District and Sessions Judge, Thoothukudi, to extend the time limit granted in Crl.M.P(MD) No.4474 of 2021 in unregistered C.A.No. of 2021 dated 06.12.2021 to deposit 20% of the compensation amount i.e., Rs.1,50,000/- to the satisfaction of the Fast track Court (Magisterial Level), Kovilpatti, for further one month.

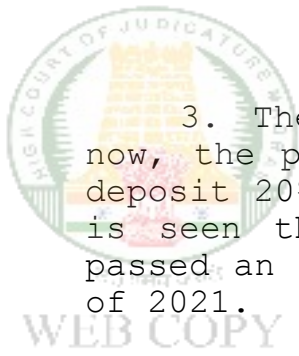
For Petitioner

: Mr.S.Vishnuvardhan

ORDER

This Criminal Original Petition has been filed to direct the learned Principal District and Sessions Judge, Thoothukudi, to extend the time limit granted in Crl.M.P(MD)No.4474 of 2021 in unregistered C.A.No. of 2021 dated 06.12.2021 to deposit 20% of the compensation amount i.e., Rs.1,50,000/- to the satisfaction of the Fast track Court (Magisterial Level), Kovilpatti.

2. The petitioner is an accused on the complaint lodged by the respondent for the offence punishable under Section 138 of the Negotiable Instruments Act and the same has been taken cognizance in C.C.No.4 of 2016 on the file of the learned Fast Track Court (Magisterial Level), Kovilpatti, in which, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of one year and six months and also to pay a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand only) (Cheque amount) as compensation under Section 357 (3) Cr.P.C. Aggrieved by the same, the petitioner filed a Criminal Appeal and filed a petition for suspension in Crl.M.P.No.4474 of 2021. The Court below vide order dated 06.12.2021, suspended the sentence and imposed a condition that the petitioner shall deposit 20% of the compensation amount within a period of two months from the date of that order. However, the petitioner could not be able to comply with the same and filed the petition for extension of time before the Court below and the same was returned.



3. The learned counsel for the petitioner would submit that now, the petitioner arranged the funds and is ready and willing to deposit 20% of the compensation as directed by the Court below. It is seen that the Court below without even numbering the appeal, passed an order in the suspension of sentence in Crl.M.P(MD)No.4474 of 2021.

4. Considering the above facts and circumstances of this case, this Court is inclined to extend the time till 29.04.2022. The petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) before the first appellate Court and execute sureties as directed by the first appellate Court, failing which, the order passed by the learned Principal District and Sessions Judge, Thoothukudi, shall stand automatically cancelled. The Court below is directed to number the appeal and proceed further in accordance with law.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (Records)

// True Copy //

25/04/2022

Sub Assistant Registrar(CS-III)

mga

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal District and Sessions Judge,
Thoothukudi.

2.The Magistrate,
Fast Track Court,
Kovilpatti.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P(MD)No.7551 of 2022
25.04.2022

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