



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

Crl.O.P.(MD) No.8358 of 2022

A. Aravinth

...Petitioner (Accused)
Vs.

K. Vijayakumar

...Respondent (Complainant)

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to extend the time imposed by the learned Principal Sessions Judge, Thoothukudi in Cr.M.P.No.4377 of 2021, vide order dated 08.12.2021 filed in (Unnumbered) Crl.A. against the final Judgment dated 16.08.2021 passed in C.C.No.101 of 2016 before Fast Track Court (Magistrate Level), Kovilpatti.

For Petitioner : Mr. P.M. Vishnuvarthanan

ORDER

This petition has been filed seeking direction to extend the time imposed by the learned Principal Sessions Judge, Thoothukudi in Cr.M.P.No.4377 of 2021, vide order dated 08.12.2021 filed in (Unnumbered) Crl.A. against the final Judgment dated 16.08.2021 passed in C.C.No.101 of 2016 before Fast Track Court (Magistrate Level), Kovilpatti.

2. The petitioner is the accused in the complaint lodged by the respondent for the offence under Section 138 of the Negotiable Instrument Act in CC No.101 of 2016 on the file of the learned Judicial Magistrate, Fast Track Court, Kovilpatti. He was convicted and sentenced to undergo simple imprisonment for a period of eight months and to pay a sum of Rs.2,50,000/- as compensation under Section 357(3) of Cr.P.C to the complainant. Aggrieved by the same, the petitioner has filed an appeal and also filed suspension of sentence petition before the appellate Court. Without even numbering the appeal, suspension of sentence was ordered in Cr.M.P.No.4377 of 2021 by an order dated 08.12.2021 on condition that the petitioner/accused shall deposit 20% of the compensation amount i.e., Rs.50,000/- before the trial Court within a period of two months from the date of receipt of a copy of this order. However the petitioner was unable to deposit the said amount due to covid-19 pandemic situation and hence seeks for extension of time.

3. Considering the above time granted by the first appellate court is extended till 13.05.2022. If the petitioner fails to comply with the condition before 13.05.2022, the order passed by the learned Principal Sessions Judge, Thoothukudi stand automatically vacated and the trial Court is directed to proceed in accordance with law. The first appellate Court is directed to number the appeal, if the papers are otherwise in order.



4. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CO)

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// True Copy //

05/05/2022

Sub Assistant Registrar(CS)

aav

To

1.The Principal Sessions Judge, Thoothukudi

2.The Judicial Magistrate, Fast Track Court, Kovilpatti

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-22588[F] dated 29/04/2022)

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29.04.2022

MGJ(05.05.2022) 2P 4C