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CrI.O.P.No.14894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.14894 of 2023

J.John

S/o.Joseph Nadar

...Petitioner

-Vs-

PMS Financiers

represented by Mr.S.Dinesh Kumar

Managing Partner,

No.5/6, 1st Main Road,

Karambakkam, Porur,

Chennai - 600 116.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, praying to call for the records and set aside the condition of depositing 20% of the compensation amount to the credit of C.C.Number on the file of the trial Court within sixty days passed in CrI.M.P.No.5681/2023 in C.A.No.94 of 2023 by the Principal District and Sessions Court, Chennai, *vide* order dated 13.03.2023.

For Petitioner : Mr.P.N.Vignesh

ORDER

This petition has been filed seeking for extension of time to deposit 20% of compensation amount imposed as a condition by the



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Court below for granting suspension of sentence in favour of the petitioner.

2. The petitioner faced trial before the XX Metropolitan Magistrate, Allikulam, Chennai, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 07.02.2022 convicted the petitioner and sentenced him to undergo six months simple imprisonment and directed the petitioner to pay a sum of Rs.6,00,000/- as compensation within a period of eight weeks from the date of judgment, in default to undergo eight weeks simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the learned Principal Sessions Judge, Chennai. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 13.03.2023 suspended the sentence by imposing certain conditions. One of the conditions imposed by the appellate Court was that the petitioner should deposit 20% of the compensation amount ordered by the trial Court. The petitioner was given sixty days to make this deposit.



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4. Learned counsel for petitioner submitted that the petitioner was not able to arrange money for making this deposit due to financial constraints and therefore, the present petition has been filed seeking for extension of time. The learned counsel further submitted that the petitioner will deposit this amount within a period of one week from today.

Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioner to deposit 20% of the compensation amount ordered by the trial Court within a period of one week from today. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court.

04.07.2023

Note: Issue order copy by 05.07.2023

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

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