



Crl.O.P. No. 15310 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15310 of 2023

1. Mr.G.Susil Kumar
Managing Director,
M/s Mahaveer Health Care,
New No.19, Veeraswamy Street,
1st Floor, Egmore,
Chennai - 600 008.

2. M/s Mahaveer Health Care,
New No.19, Veeraswamy Street,
1st Floor, Egmore,
Chennai - 600 008.

... Petitioners

Vs.

M/s Schiwaz Health Care,
Rep by Power agent,
Mr.Rajasekaran,
New No.2, Krishnaswamy Street,
Abiramapuram,
Chennai - 18.

... Respondent



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Prayer : This Criminal Original Petition is filed under Section 482 of Cr.P.C. to set aside the order passed in Crl.M.P.No.13352 of 2023 dated 19.06.2023 passed by the Hon'ble Principal Sessions Judge at Chennai and to extend time to the petitioner to comply the condition order passed in Crl.M.P.No.4804 of 2023 in CA No.81 of 2023 dated 02.03.2023 passed by the Hon'ble Principal Sessions Judge at Chennai.

For Petitioner : Mr.M.Jaikumar
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed seeking for extension of time to deposit 20% of the compensation amount imposed as a condition by the Court below for granting suspension of sentence in favour of the petitioner.



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2. The petitioner faced trial before the Metropolitan Magistrate Fast Track Court V (FAC), Chennai, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 31.01.2023 convicted the petitioner and sentenced him to undergo 4 months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.6,18,000/- with 6% interest as compensation, in default to undergo six months simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the 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 02.03.2023 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 two months time to make this



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deposit.

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4.The learned counsel for the petitioner submitted that the petitioner was not able to arrange for making this deposit due to financial constrains 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.

5.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



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automatically without any further reference to this Court.

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

Note : Issue order copy on 14.07.2023

To

1. The Principal Sessions Judge at Chennai
2. Metropolitan Magistrate Fast Track Court V (FAC), Chennai
3. The Public Prosecutor, Madras High Court,
Chennai.

N.ANAND VENKATESH,J.



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