



Crl. O.P. No.18410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl. O.P.No.18410 of 2023

Amutha
W/o.Manokaran

.. Petitioner

Vs.

Prakash
S/o.Palanivel

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to set aside the returned docket order dated 31.07.2023 in unnumbered petition in C.M.P. No...../2023 in C.A. No.05/2023 and direct the Learned Additional District and Sessions Judge, Namakkal to consider the petition filed by the petitioner on merits.

For Petitioner : Mr. S. Sivakumar



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ORDER

WEB COPY This Criminal Original Petition has been filed challenging the returned docket order dated 31.07.2023 in unnumbered petition in C.M.P. No...../2023 in C.A.No.05/2023 and direct the learned Additional District and Sessions Judge, Namakkal to consider the petition filed by the petitioner on merits.

2. The petitioner faced trial before the Judicial Magistrate, Rasipuram, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 06.12.2022 convicted the petitioner and sentenced her to undergo one year simple imprisonment and directed the petitioner to pay a sum of Rs.10,00,000/- as compensation within one month in default to undergo one month simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the learned Principal District and Sessions Judge, Namakkal. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 24.04.2023 suspended the



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sentence by imposing certain conditions. One of the conditions imposed by the appellate Court was that the petitioner should deposit 20% of the cheque amount ordered by the trial Court. The petitioner was given 60 days time to make this deposit. Seeking extension of time, the petitioner filed a petition in CMP..... /2023 in C.A.No.5 of 2023. However, the same was returned on 31.07.2023 on the ground that time limitation has been barred. Challenging the same, the present Criminal Original Petition has been filed.

4. Heard Mr. S. Sivakumar, learned counsel for petitioner.

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



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N.ANAND VENKATESH, J

gm

suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court.

14.08.2023

Note: Issue order copy by 16.08.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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To

1.The Principal District and Sessions Judge,
Namakkal.

2.The Judicial Magistrate,
Rasipuram.

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