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Criminal Original Petition No.20621 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.20621 of 2023

1.G.A.Raza

S/o.Moosa Raja

2.Nasreena Raza

W/o.G.A.Raza

...Petitioners

Vs

Kanchana

W/o.Jayaraman Reddiar

... Respondent

PRAYER : Criminal Original Petition filed under 482 of the Code of Criminal Procedure, praying to set aside the order passed by learned Principal Sessions Judge, City Civil Court, Chennai, in CrI.M.P.No.20560 of 2023 in CrI.A.No.253 of 2023 in C.C.No.936 of 2020 dated 22.08.2023.

For Petitioners : Mr.T.V.Vineeth Kumar

ORDER

This Criminal Original Petition has been filed challenging the order passed by learned Principal Sessions Judge, City Civil Court, Chennai, in CrI.M.P.No.20560 of 2023 in CrI.A.No.253 of 2023 in C.C.No.936 of 2020 dated 22.08.2023.



2. The petitioner faced trial before the Metropolitan Magistrate, Fast Track Court II, Egmore, Allikulam, Chennai, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 13.04.2023 convicted the petitioner and sentenced him to undergo two months simple imprisonment and directed the petitioner to pay the cheque amount of Rs.65,00,000/- to the complainant as compensation within a period of thirty days, in default, to undergo thirty days simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the learned Principal Sessions Judge, City Civil Court, Chennai. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 10.05.2023 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 cheque amount ordered by the trial Court. The petitioner was given sixty days time to make this deposit. Since the petitioner could not deposit the amount within the time stipulated, a petition seeking extension of time was filed and the same was allowed and the petitioner was granted further period of 30 days vide order in CrI.M.P.No.16074 of



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2023, dated 11.07.2023. However, the petitioner has failed to effect deposit and filed another petition in CrI.M.P.No.20560 of 2023 seeking extension of time and the same was dismissed by order dated 22.08.2023. Aggreived by the same, the present petition has been filed.

4. Heard Mr.T.V.Vineeth Kumar, learned counsel for petitioners and carefully perused the materials available on record.

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 automatically without any further reference to this Court and the Court below shall take setps to secure the petitioner in order to serve the sentence imposed by the trial Court.



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N.ANAND VENKATESH, J

gm

This Criminal Original Petition is disposed of with the above direction.

08.09.2023

Note: Issue order copy by 11.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Principal Sessions Judge,
City Civil Court, Chennai.

2.The Metropolitan Magistrate,
Fast Track Court II, Egmore,
Allikulam, Chennai.

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