



WEB COPY



Crl.O.P.No.20664 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20664 of 2023

1. G.A.Raza
2. Nasreena Raza .. Petitioners

Versus

Kanchana .. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Principal Sessions Judge, City Civil Court at Chennai in Crl.M.P.No.20559 of 2023 in Criminal Appeal No.255 of 2023 against C.C.No.946 of 2020, dated 22.08.2023 and to permit the petitioners to deposit the amount.

For Petitioner : Mr.T.V.Vineeth Kumar

ORDER

This petition has been filed to set aside the order, dated 22.08.2023 passed by the learned Principal Sessions Judge, City Civil Court, Chennai in Crl.M.P.No.20559 of 2023 in Crl.A.No.255 of 2023.



Crl.O.P.No.20664 of 2023

WEB COPY

2. The petitioners faced trial before the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai, for offence under Section 138 of the Negotiable Instruments Act, 1881. The Trial Court by judgment dated 13.04.2023 convicted the petitioners and sentenced them to undergo six months Simple Imprisonment and directed to pay the cheque amount towards compensation.

3. Aggrieved by the said judgment, the petitioners filed an appeal before the learned Principal Sessions Judge, City Civil Court, Chennai. Along with the appeal, the petitioners also filed a petition for suspension of sentence. The appellate Court, by an order dated 10.05.2023, suspended the sentence by imposing a condition that the petitioners should deposit 20% of the compensation amount before the Trial Court to the credit of C.C.No.946 of 2020 within a period of sixty days from the date of order. Again, the petitioners filed another petition in Crl.M.P.No.16077 of 2023 for extension of time to deposit the amount and accordingly, the Court has granted for a further period of thirty days to deposit the amount. However, the petitioners, instead of depositing 20% of the compensation amount within the stipulated time, have come up with another petition in



Crl.O.P.No.20664 of 2023

WEB COPY

Crl.M.P.No.20559 of 2023 seeking for further extension of time. Being not satisfied with reasons, the Court below dismissed the petition. Aggrieved by the same, the present petition has been filed.

4. Heard Mr.T.V.Vineeth Kumar, learned Counsel for the petitioners.

5. Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed off with a direction to the petitioners to deposit 20% of the compensation amount as ordered by the Court below to the credit of C.C.No.946 of 2023 on the file of the learned Metropolitan Magistrate, Fast Track Court No.II, Egmore at Allikulam, Chennai within a period of one week from today. It is made clear that if the petitioners fail 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.

1109.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

Note : Issue order copy on 12.09.2023.



Crl.O.P.No.20664 of 2023

To
WEB COPY

1. The Principal Sessions Judge,
City Civil Court, Chennai.
2. The Metropolitan Magistrate,
Fast Track Court No.II,
Egmore, Allikulam, Chennai.



WEB COPY



Crl.O.P.No.20664 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.20664 of 2023

11.09.2023