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Crl.O.P.No.21028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21028 of 2023

R.Joseph
S/o.Raji

.. Petitioner

Vs.

S.Mariyammal
W/o.Sathyamoorthy

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to grant further period of 30 days time for depositing 20% of the cheque amount and extend the interim order passed in Crl.M.P.No.2323 of 2023 in Crl.A.No.738 of 2021 passed by learned Principal District and Sessions Judge, Tiruvallur, on 08.06.2023.

For Petitioner : Mr.K.M.Malarmannan



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ORDER

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

2. The petitioner faced trial before the Judicial Magistrate, Fast Track Court at Magisterial Level, Poonamallee, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 11.04.2023 convicted the petitioner and sentenced him to undergo one year simple imprisonment and directed the petitioner to pay a sum of Rs.3,00,000/- as compensation within a period of thirty days in default to undergo three months simple imprisonment.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the learned Principal District and Sessions Judge, Tiruvallur. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 08.06.2023 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 compensation amount ordered by the trial Court. The petitioner was given sixty days to make this deposit.

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 thirty days 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 thirty (30) days from today. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails



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N.ANAND VENKATESH, J

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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.

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

14.09.2023

Note: Issue order copy by 20.09.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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To

1.The Principal District and Sessions Judge,
Tiruvallur.

2.The Judicial Magistrate,
Fast Track Court at Magisterial Level,
Poonamallee.

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