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Crl.O.P.Nos.24298 & 24745 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.24298 & 24745 of 2023

L.Kannan

... Petitioner in both Crl.O.P

-VS-

S.Vijay Anand
Crl.O.P.

...Respondent in both

PRAYER in Crl.O.P. No.24298 of 2023 : Criminal Original Petitions have been filed under Section 482 of Criminal Procedure Code, to extend the time for deposit of 20% of Compensation ordered in Crl.M.P. No.93 of 2023 in Criminal Appeal No.1 of 2023, on the file of the learned Principal District and Sessions Judge, Tiruvannamalai (FAC), dated 04.01.2023.

PRAYER in Crl.O.P. No.24745 of 2023 : Criminal Original Petitions have been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the petition order dated 04.10.2023, made in Crl.M.P. No.93 of 2023 in Crl.A. No.1 of 2023 on the file of the learned Principal District and Sessions Judge, Thiruvannamalai and set aside the same.

For Petitioner

: Mr.A.E.Ravichandran in both Crl.O.Ps.



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COMMON ORDER

This is a case where the accused/petitioner was found guilty by the trial Court for offence under Section 138 of the Negotiable Instruments Act, 1881 before the learned Judicial Magistrate, Fast Track Court (ML), Thiruvannamalai and he preferred an appeal before the learned Principal District and Sessions Judge, Thiruvannamalai and sought for suspension of sentence.

2. The lower appellate Court entertained the petition and suspended the sentence on condition to deposit 20% of the cheque amount within a period of two months. The petitioner was unable to comply the condition and on expiry of the two months period, the lower appellate Court has passed an order on 04.10.2023, directing the trial Court to issue warrant and secure the appellant.

3. In this circumstances, the petitioner has filed Crl.O.P.No.24298 of 2023 for extending the time to deposit 20% compensation amount as ordered in Crl.M.P. No.93 of 2023 in Crl.Appeal. No.1 of 2023. This Court to confirm the genuineness and bonafide of the petitioner directed him to draw Demand Draft for Rs.2,20,000/- being the 20% amount in favour of the learned Judicial Magistrate (FTC) (ML), Thiruvannamalai.

4. Accordingly, Demand Draft for the said amount drawn on 03.11.2023 been produced before this Court. Considering the said production of Demand



Draft, petition seeking extension of time to deposit 20% is granted, the petitioner herein is directed to appear before the Principal District and Sessions Judge, Tiruvannamalai (FAC) and present the Demand Draft and seeks for suspension of sentence. On such deposit, appropriate orders may be passed.

5. With the above directions, Crl.O.P. No.24298 of 2023 is disposed of. In view of the order passed in Crl.O.P. 24298 of 2023, the order impugned in Crl.O.P.No No.24745 of 2023, nothing survives in this petition and has become infructuous.

06.11.2023

Internet : Yes/No
Index : Yes/No
rkp

To

- 1.The Judicial Magistrate, Fast Track Court (ML),
Tiruvannamalai
2. The Principal District and Sessions Judge,
Tiruvannamalai (FAC),
3. The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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