



Crl.O.P.No.25713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25713 of 2023

1.A.R.N.Lakshmanan

2.Mrs.L.Abirami

... Petitioners

Vs.

K.Jegannath

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order passed in Crl.M.P.No.24694 of 2023, dated 3.10.2023, on the file of the Principal Sessions Judge, City Civil Court at Chennai and grant time to the petitioner to furnish surety before concerned Court and to deposit 20% of the compensation amount as granted in Crl.MP.No.17540 of 2023, dated 21.07.2023, by the Principal Sessions Judge, City Civil Court at Chennai.

For Petitioners : Mr.B.Sanjay Balachandar



ORDER

The petitioners herein was convicted by the Trial Court in C.C.No.3378 of 2016, on the file of Metropolitan Magistrate, Fast Track Court at Magistrate Level-V, Saidapet, Chennai, for the offence under Section 138 of the Negotiable Instruments Act, 1881.

2.The Trial Court in its order dated 22.6.2023, convicted the petitioners for the offence under Section 138 of the Negotiable Instruments Act, 1881 and directed to undergo 8 months simple imprisonment and pay the cheque amount of Rs.5,00,000/- as compensation or in default to undergo the simple imprisonment for 3 months. Aggrieved by the judgement of conviction, the petitioners have preferred an appeal before the Principal Sessions Judge, City Civil Court, Chennai and the appeal was taken on file as Crl.A.No.418 of 2023. Along with the appeal, he has filed an application for suspension of sentence, which was considered by the Appellate Court, directed the petitioners to deposit 20% of the compensation amount to the credit of C.C.No.3378 of 2016, on the file of the Trial Court within 60 days. This order came to be passed on 21.7.2023. The petitioners unable to deposit 20% of the compensation amount i.e., Rs.1,00,000/- within 60 days time granted. Hence, sought for extension of time before the lower Appellate Court. However, the same was declined by the lower Appellate Court. Hence, the petition.

3.When the matter came up for consideration, this Court directed the



learned counsel for the petitioners to draw demand draft for Rs.1,00,000/- in favour of Metropolitan Magistrate FTC V, Saidapet, Chennai, to be deposited in the account of C.C.No.3378 of 2016 and if he shows his bonafide, time for extension of time will be granted.

4.In compliance with the above direction, the learned counsel for the petitioners today produced a demand draft drawn for Rs.1,00,000/- dated 15.11.2023 from State Bank of India, Kundrathur Branch. Being satisfied that the condition complied, this Court dispose this petition with a direction to the petitioners ;

(1) to appear before the Metropolitan Magistrate FTC V, Saidapet, Chennai, along with memo to deposit the demand draft in the said C.C. Number.

(2) On such deposit and obtaining receipt for the same from the Metropolitan Magistrate FTC V, Saidapet, Chennai, the petitioners shall appear before the Principal Sessions Judge, where Crl.A.No.418 of 2023, is pending and they shall seek for suspension of sentence afresh within a period of seven days from the deposit of the demand draft.

1. On such appearance and application, the Principal Sessions Judge shall consider the application and suspense of the sentence after satisfying about other conditions imposed by the said Court on 21.7.2023.

2.



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Dr.G.JAYACHANDRAN,J.

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5.In the result, this criminal original petition is disposed of with the above directions.

22.11.2023

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Note: Issue order copy on **23.11.2023**

Index : Yes/No

Neutral Citation : Yes/No

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To

Principal Sessions Judge,

City Civil Court at Chennai

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