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Criminal Original Petition No.1923 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.1923 of 2024

U.Sasikala

W/o.Late A.N.Udayakumar

... Petitioner

Vs.

M/s.Rajesh Fianance

At No.33/1, Mookathal Street,

Purasawakkam, Chennai - 600 007.

duly represented by its Proprietor

Mr.U.Rajesh Kumar S/o.Utamchand

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the docket order in SR No.260 of 2024 dated 05.01.2024 in CrI.M.P.No.31057 of 2023 in CrI.A.No.756 of 2023 on the file of Principal Judge, City Civil Court, Chennai.

For Petitioner : Mr.A.Balasingh Ramanujam

ORDER

This petition has been filed challenging the docket order passed by the Court below dated 05.01.2024 returning/refusing to entertain the application filed by the petitioner seeking for extension of time to furnish sureties.

2. This Court carefully considered the submissions made by



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learned counsel for petitioner and the materials available on record.

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3. The petitioner was convicted for an offence u/s.138 of the Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment. The petitioner filed a criminal appeal in C.A.No.756 of 2023. The petitioner also filed a petition for suspension of sentence in Crl.M.P.No.31057 of 2023. The Court below suspended the sentence and directed the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties on or before 11.12.2023. The petitioner was not able to furnish the surety within the time stipulated since the petitioner was taken ill. Hence, the petitioner filed an application for extension of time to fulfill the condition imposed by the Court below. The same was returned by the Court below on 05.01.2024 on the ground that such extension was sought for beyond the time prescribed. Aggrieved by the same, the present petition has been filed.

4. Taking into consideration the facts and circumstances of the case, the time granted by the Court below for executing the bond for a sum of Rs.10,000/- and furnishing two sureties for a like sum, is



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extended up to 12.02.2024. The petitioner shall fulfill this condition before the time extended by this Court. The matter has been made over to the VII Additional Sessions Court, Chennai. Hence, the compliance of the condition shall be done before the VII Additional Sessions Court, Chennai.

This Criminal Original Petition is disposed with the above direction.

05.02.2024

Note: Issue order copy by 07.02.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The VII Additional Sessions Court,
Chennai.

2. The Principal Judge,
City Civil Court, Chennai.

N.ANAND VENKATESH, J.



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