



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.3529 of 2024

Babu

...Petitioner

Vs

Suryaprakash

... Respondent

PRAYER in Crl.O.P.No.2590 of 2024 : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Crl.M.P.No.5437 of 2023 in Crl.A.No.231 of 2023 in order dated 08.11.2023 passed by learned Principal District and Sessions Judge, Tiruvallur and to set aside and modify the same.

For Petitioner : Mr.S.Sivakumar

ORDER

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



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2. The petitioner faced trial before the Judicial Magistrate No.I, Chengalpattu, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 15.09.2023 convicted the petitioner and sentenced him to undergo five months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.10,50,000/- within a period of one month.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal District & Sessions Judge, Tiruvallur. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 08.11.2023 suspended the 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.

4. The learned counsel for the petitioner submitted that the petitioner was not able to arrange 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 one week from today.

5.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 one week from today. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails 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.

19.02.2024

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
ssr

Note:Issue Order Copy on 19.02.2024



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N.ANAND VENKATESH, J

SSR

To

- 1.The Principal District and Sessions Judge, Tiruvallur.
- 2.The Public Prosecutor,
High Court, Madras.

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