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Crl.O.P.No.3928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl. O.P.No.3928 of 2024

M. Suresh S/o. Marimuthu

.. Petitioner

Vs.

A. Shanmugasundaram S/o. Arunachala Gounder

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to set aside the order passed in Crl. M.P. No.5767 of 2023 in C.A. No.222 of 2023 dated 14.10.2023 on the file of the learned III Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr. A. Tamilarasan

ORDER

This Criminal Original petition has been filed seeking to set aside the order passed in Crl. M.P. No.5767 of 2023 in C.A. No.222 of 2023 dated 14.10.2023 on the file of the learned III Additional District and Sessions



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Judge, Coimbatore.

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2. Heard Mr. A. Tamilarasan, learned counsel for the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petition filed by the petitioner seeking extension of time was dismissed by the learned III Additional District and Sessions Judge, Coimbatore and that due to unavoidable circumstances, the petitioner was unable to mobilize the funds and he was not able to comply with the condition within stipulated time and hence time may be extended to deposit the amount and the dismissal order may be set aside.

4. The petitioner has been convicted and sentenced to undergo simple imprisonment for a period of one year and to pay compensation of Rs.10,10,000/- to the complainant within two months and in default, the petitioner shall undergo simple imprisonment for a period of four months for the offence under Section 138 of Negotiable Instruments Act vide judgment



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dated 04.07.2023 in C.C. No.74 of 2018 passed by the learned Judicial Magistrate, Sulur. Further, the petitioner was directed to deposit a sum of Rs.2,02,000/- towards part of compensation before the Trial Court on or before 08.09.2023 vide order passed in Crl. M.P. No.4102/2023 and the time was further extended to deposit the amount till 04.10.2023. Even after, the petitioner has further requested to extend the time by filing a petition in Crl. M.P. No.5767 of 2023 and the same was dismissed by the learned III Additional District and Sessions Judge, Coimbatore. Aggrieved by which, the present petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of this case, the time is finally extended by **two weeks** from today to comply with the conditions imposed in Crl.M.P.No.4102 of 2023. It is made clear that no further extension of time will be granted by this Court. If the petitioner does not comply with the direction and if not deposit the amount within the time extended by this order, it is left open to the Court below to cancel the order suspending the sentence and secure the petitioner and make him to undergo



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imprisonment as per the judgment dated 04.07.2023 in C.C. No.74 of 2018 passed by the learned Judicial Magistrate, Sulur.

6. With the above directions, this Criminal Original petition is disposed of.

22.02.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
mjs

Note: Issue order copy tomorrow (23.02.2024)

To

1. The Principal District and Sessions Judge, Coimbatore.
2. The III Additional District and Sessions Judge, Coimbatore.
3. The Judicial Magistrate, Sulur.

N.ANAND VENKATESH, J



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