



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

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CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.6689 of 2024

Mr.Murugan Manickam

...Petitioner

Vs.

M/s.Bisleri International Pvt Ltd
Rep by Its Accounts Executive,
Mr Lakshmi Mnarayanan,
S/o N Ramakrishnan,
No 7/3, Parivakkam Main Road,
Sennerkuppam, Poonamalee, Chennai 6000546

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to extend the time in Crl.M.P.No.1302 of 2024 Docket order dated on 18.01.2024 to preferred appeal against the Judgement passed by the learned Fast Track -V Metropolitan Magistrate at Saidapet Chennai.

For Petitioner : Mr.D.Padbanabhan

ORDER

This criminal original petition has been filed seeking for extension of the period for which the trial Court had suspended the sentence in Crl.M.P.No.1302 of 2024, dated 18.01.2024, in order to enable the petitioner to file an appeal against the judgment passed by the Trial Court.



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2. Heard the learned counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo eight months simple imprisonment and to pay the cheque amount as compensation and in default to undergo three months simple imprisonment. The Trial Court had suspended the sentence till 16.02.2024 in exercise of its jurisdiction under Section 389(3) of Cr.P.C. The petitioner is seeking for extension of the period of suspension of sentence by filing this petition on the ground that it will take some more time for the petitioner to file the appeal and seek for the appropriate remedy.

4. In the considered view of this Court, the power and jurisdiction vested on the Trial Court under Section 389(3) of Cr.P.C., is an exclusive jurisdiction which cannot be exercised by this Court under Section 482 of Cr.P.C. The petitioner has to necessarily file a criminal appeal against the judgment passed by the Trial Court and seek for the appropriate remedy. If the period of suspension **has** expired, it will be left open to the petitioner to file a bail petition before the Appellate Court after surrendering before the Court. When such remedy is available to the petitioner, there is no need for this Court to pass any further orders in this petition except giving the



above clarity.

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5.This criminal original petition is disposed of in the above terms.

20.03.2024

Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

ssr

To

1.The Fast Track -V Metropolitan Magistrate at Saidapet, Chennai.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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