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CrI.O.P.No.10744 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.10744 of 2024

Kalaiselvan

... Petitioner

/versus/

Sucharitha.R

Proprietor of Sri Vari Enterprises,

Rep. by its power agent,

J.Ravichandran,

S/o.A.B.Jayarama Reddy,

No.50/3, Lakshmi Talkies Road,

Shenoy Nagar, Chennai – 30.

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 05.01.2024 in CrI.M.P.No.627/2024 in CrI.A.No.586 of 2023 on the file of the XXI Additional Sessions Judge, Chennai.

For Petitioner : Mr.S.Suresh



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ORDER

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This Criminal Original Petition is filed to set aside the order dated 05.01.2024 in CrI.M.P.No.627/2024 in CrI.A.No.586 of 2023 on the file of the XXI Additional Sessions Judge, Chennai.

2. The petitioner herein is an accused for guilty of offence under Section 138 of N.I Act. There is a condition to deposit 20% of the compensation amount for suspension of sentence. The appellate Court granted 60 days time to deposit 20% of the compensation amount Rs.18,19,047/- as compensation vide order dated 07.11.2023 Therefore, on 05.01.2024 when the appeal was taken up for consideration, Non-Bailable warrant was issued against this petitioner.

3. Recording the non-compliance of the condition, the present petition is filed for extension of time to deposit the conditional amount and to seek for recall of warrant and suspension of sentence.

4. The Learned Counsel for the petitioner submitted that to show the bonafide of the petitioner had today shown the copy of the Demand draft



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drawn in favour of Chief Metropolitan Magistrate, Egmore, Chennai for a sum of Rs.3,63,810/- and submitted that time may be extended to comply the conditional order imposed by the Lower Appellate Court so as to enable the petitioner to seek his remedy of suspension of sentence.

5. This Court has taken note of the fact that the petitioner is for some reason unable to comply the condition of depositing 20% of the compensation amount within the time prescribed by the Lower Appellate Court. However, today (i.e., 30.04.2024) the Learned Counsel for the petitioner has produced a demand draft dated 26.03.2024 to show that he is bonafidely taken steps to comply the condition, but there was a delay.

6. This Court, taking into consideration that the purpose of imposing condition been satisfied. Time for deposit is extended to enable the petitioner herein to produce the original demand draft before the Trial Court and report compliance of the condition imposed by the Lower Appellate Court and proceed further. The Lower Appellate Court shall take note of the deposit of the conditional amount and pass appropriate order in his application for suspension of sentence.



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7. With the above observation, this Criminal Original Petition is disposed of.

30.04.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

Copy to:-

1. The XXI Additional Sessions Judge, Chennai.



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Dr.G.JAYACHANDRAN,J.

bsm

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