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Crl.O.P.No.8760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.8760 of 2024

1. M/s.Shivanya Infotech Private Limited,
Rep. by its Authorized Signatory,
M.Periyasamy,
S/o.Maruthamuthu,
No.85, Sakthi Govind Apartments,
Venkatesa Nagar 2nd Cross, 1st Extension,
Virugambakkam, Chennai – 92.

2. M.Periyasamy. ... Petitioners/Appellants/Accused

/versus/

D.Ratanlal ... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 29.01.2024 passed by the Principal District and Sessions Judge, Tiruvallur passed in Crl.M.P.No.455 of 2024 in Crl.Appeal No.8 of 2024 dated 29.01.2024.

For Petitioners : Mr.M.Kabilesh,
for Mr.R.Sudhakar



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ORDER

The Criminal Original Petition is filed to set aside the order dated 29.01.2024 passed by the Principal District and Sessions Judge, Tiruvallur passed in Crl.M.P.No.455 of 2024 in Crl.Appeal No.8 of 2024 dated 29.01.2024.

2. The petitioner herein was found guilty for the offence under Section 138 of N.I. Act and sentenced to undergo six months simple imprisonment and to pay the compensation of Rs.25,00,000/-, within a period of one month. The said judgment dated 26.12.2023. An appeal before the Principal District and Sessions Court, Tiruvallur in Crl.A.No.8 of 2024 is pending. Pending appeal, the petitioner has sought for suspension of sentence and that was also entertained by the Lower Appellate Court on condition that the petitioner should deposit 20% of the compensation amount within a period of 60 days, starting from 29.01.2024. The petitioner instead of complying the said condition, is before this Court stating that he is ready to pay the 20% compensation amount but need some time.



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3. The Learned Counsel appearing for the petitioner submitted that due to election and code of conduct and other reasons, he is not able to mobilise money. The Learned Counsel appearing for the petitioner states that soon after the election, he will deposit the compensation amount.

4. This Court though not convinced about the reasons stated, since the restriction by the Election Commission is only to carry cash without document and carrying instruments or cash with necessary documents is not restricted. However, since the time granted by the First Appellate Court has already expired, a time till 30.04.2024 is granted to deposit Rs.5 lakhs in the account of STC No.90/2022 (on the file of Judicial Magistrate (FTC) Magistrate Level, Tiruvallur. On such deposit, his application for suspension of sentence be duly considered by the Court concern.

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

10.04.2024

Index : Yes/No



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Neutral Citation : Yes/No

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DR.G.JAYACHANDRAN,J.

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Copy to:-

1. The Principal District and Sessions Judge, Tiruvallur.

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