



WEB COPY



Crl.OP.Nos.22538,22541and 22544 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.Nos.22538, 22541 and 22544 of 2024

N.P.Viswanathan

.. Petitioner
(in all Crl.OPs')

Vs.

M.Siva Shankar

.. Respondent
(in all Crl.OPs')

COMMON PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C to set aside the order dated 26.04.2024 in Crl.MP.Nos.12711, 12718 and 12726 of 2024 respectively on the file of learned Principal Sessions Judge, Chennai and enlarge the time to deposit 20% of the cheque amount.

For Petitioner : Mr.C.Alagu Bhavani
(in all Crl.OPs')

COMMON ORDER

These Criminal Original Petitions are filed challenging the order passed by the lower Appellate Court imposing one of the conditions to deposit 20% of the cheque amount for suspension of sentence pending appeal.

2. These matters arising out of Section 138 of Negotiable



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Instruments Act, wherein the petitioner found guilty by the trial Court aggrieved by the Judgment and decree, the petitioner has preferred three criminal appeals which is pending before the learned II Additional Judge, City Civil Court, Chennai.

3. The applications for suspension of sentence was considered by the lower Appellate Court and order passed on 09.02.2024 directing the petitioner herein to deposit 20% of the cheque amount within 60 days. Thereafter, on applications of petitioner, the lower Appellate Court has extended the time by three weeks. Even then, the petitioner was not able to deposit the money and therefore, before this Court seeking further extension of time by six weeks.

4. The learned counsel appearing for the petitioner submits that due to illness, the petitioner was not able mobilize the money within the time prescribed. However, she has taken a demand draft on 29.08.2024 in favour of the FTC-II, Egmore, Chennai in respective C.C.Nos.7228, 7229 and 7320 of 2019 for a sum of Rs.2,00,000/-, Rs.2,00,000/- and Rs.1,00,000/- and seeks necessary order for her to comply the condition by extending the time.

5. Considering the fact that the petitioner has made requests for



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extension of time with bonafide intention and also drawn demand draft for Rs.2,00,000/- Rs.2,00,000/- and Rs.1,00,000/- respectively in compliance with the condition, time to deposit is extended.

6. The petitioner shall deposit the demand drafts before the Court below as per the directions of the II Additional Judge, City Civil Court, Chennai on or before 30.09.2024.

7. On complying of the above condition, the petitioner shall surrender before the concerned Court and furnish surety as per the order passed in his application for suspension of sentence.

8. With the above direction, these Criminal Original Petitions are disposed of.

12.09.2024

Vv

To

1. The Principal Sessions Judge,
Chennai
2. The Public Prosecutor,
High Court of Madras.

Dr.G.JAYACHANDRAN,J.



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