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Crl.O.P.No.17418 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:31.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.17418 of 2024

Mrs.Sankari

.. Petitioner

/versus/

Mrs.Manimegalai

.. Respondent

Criminal Original Petition has been filed under Section 528 of the Bharathiya Nagarika Suraksha Sankitha, 2023, to set aside the order dated 06.04.2024 made in Crl.M.P.No.10064 of 2024 in Crl.M.P.No.2641 of 2024 in C.A.No.66 of 2024 on the file of III Additional Sessions Judge, Principal Sessions Judge, (Full Additional Charge), Chennai.

For Petitioner :Mr.A.E.Ravichandran

ORDER

The petitioner herein convicted under Section 138 of the Negotiable Instruments Act, 1881, filed an appeal before the III Additional Sessions Judge, Principal Sessions Judge (Full Additional Charge), Chennai and sought for suspension of sentence.



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2. The trial Court had imposed condition to deposit 20% of the compensation amount within 60 days from 29.01.2024. The petitioner herein, who was not able to mobilise the money had sought for exemption from depositing of 20% of the compensation amount and that exemption petition was dismissed on 06.04.2024. The said order is now under challenge in this Criminal Original Petition.

3. On perusing the judgment of the trial Court and the order passed by the lower Appellate Court in the petition filed for suspension of sentence and modification to pay the conditional order, this Court finds no reason to modify the condition.

4. The learned counsel appearing for the petitioner submitted that the petitioner has mobilised a sum of Rs.1,10,000/- being 20% of the compensation amount and sought for extension of time to comply with the condition imposed by the lower Appellate Court while granting suspension of sentence.

5. Records indicate that 60 days time to deposit 20% of the



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compensation amount has expired on 29.03.2024. The petitioner has drawn three Demand Drafts totally a sum of Rs.1,10,000/- in favour of III Metropolitan Magistrate, (Fast Track Court No.IV) in C.C.No.570 of 2017, dated 30.07.2024.

6. Since the petitioner has drawn three Demand Drafts for 20% of the compensation amount, this Court is of the view that time to deposit the amount is extended by one week. Accordingly, this Criminal Original Petition is allowed. Time is extended till 07.08.2024. The petitioner shall deposit the Demand Drafts before the concerned Court in compliance with the order passed by the lower Appellate Court for suspension of sentence and seek necessary remedy.

31.07.2024

Index:yes/no

Neutral Citation:yes/no

Note:Issue Order copy today i.e. 01.08.2024



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III Additional Sessions Judge, Principal Sessions Judge, (Full Additional Charge), Chennai.

DR.G.JAYACHANDRAN,J.



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