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Crl.OP.No.16613 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.16613 of 2024

Sapthagiri Enterprises,
Rep. By its Proprietor,
Mr.T.R.Ellappan,
No.4/31, Arunagirinathar Street,
New Perungalathur, Chennai 600 063.

... Petitioner

Vs.

M/s. Sri Amman Balaji Traders,
Rep. By its Proprietor Mr.L.Kuberan
No.5, Second Floor,
Railway Colony First Street,
Aminthakarai, Chennai 600 029.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, praying to set aside the order passed by Principal Sessions Court at Chennai in Crl. M.P.No.18149 of 2024 vide order dated 05.07.2024 and extend the time granted in Crl. MP No.16494 of 2024 in Crl.MP No.12940 of 2024 in C.A.No.343 of 2024 vide order dated 20.06.2024 to deposit 20% of cheque amount by 15 days and pass such necessary orders.

For Petitioner : No appearance



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ORDER

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The petitioner is convicted for an offence under Section 138 of the Negotiable Instruments Act, sought for suspension of sentence and the same was granted by the Lower Appellate Court on condition to deposit 20% of the compensation amount within a period of 60 days. This order came to be passed on 29.04.2024.

2. On expiry of 60 days, the petitioner sought for extension of time to comply with the condition and the same was dismissed by the Lower Appellate Court on the ground that no sufficient reasons stated for extension of time.

3. Being aggrieved, the present petition has been filed stating that the Court has power to grant 30 days in addition to 60 days for granting extension of time, while so, without applying the mind, the learned Principal Session Judge has dismissed the plea seeking extension of time.

4. When the matter came up for consideration on 05.08.2024, this Court directed the petitioner to take private notice to the respondent returnable by 19.08.2024. Today under taken for hearing, there is no



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representation for the petitioner and no proof filed for service of notice.

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5. The Lower Appellate Court had recorded the reason for not granting extension of time to comply with the condition. In such circumstances this Court finds no merits to entertain this original Petition. Hence the Criminal Original Petitions is dismissed.

23.08.2024

jv

Index: Yes/No

Internet: Yes/No

To

The Principal Sessions Judge,
Metropolitan Magistrate, FTC-II,
Egmore @ Allikulam,
Chennai.



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Dr.G.JAYACHANDRAN,J.

jv

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