



Crl.O.P.No.29636 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.29636 of 2024

M.Nagalakshmi

... Petitioner

Vs.

K.Deivasigamani

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the order passed on 02.02.2024 in Crl.M.P.No.3994 of 2023 in Crl.A.No.191 of 2023 on the file of the I Additional District and Sessions Judge, Thiruvallur.

For Petitioner : Mr.A.Arunkumar

ORDER

This Criminal Original Petition has been filed to set aside the order dated 02.02.2024 in Crl.M.P.No.3994 of 2023 in Crl.A.No.191 of 2023 on the file of the I Additional District and Sessions Court, Thiruvallur.



Crl.O.P.No.29636 of 2024

2. The petitioner herein was found guilty by the learned Judicial Magistrate, Fast Track Court at Magistrate Level, Thiruvallur in S.T.C.No.135 of 2021, for an offence under Section 138 of Negotiable Instruments Act and sentenced her to undergo six months' simple imprisonment and to pay the cheque amount of Rs.4,50,000/- as compensation to the complainant, in default, to undergo further two months' simple imprisonment. Aggrieved by the same, she preferred an appeal before the learned Principal District and Sessions Judge, Thiruvallur in Crl.A.No.191 of 2023. Along with the appeal, she has preferred an application seeking suspension of sentence in Crl.M.P.No.3994 of 2023. The lower appellate Court, vide order dated 04.09.2023, suspended the sentence on condition that the petitioner/accused shall deposit 20% of the compensation amount within 60 days and the petitioner was directed to appear before the learned I Additional District and Sessions Judge, Thiruvallur on 06.11.2023.

3. Based on the above directions, the petitioner appeared before the Court concerned and requested to adjourn the matter for reporting settlement. When the matter was taken up for hearing on 02.02.2024, though the petitioner has not complied with the said conditional order,



CrI.O.P.No.29636 of 2024

the lower appellate Court cancelled the suspension of sentence and closed the petition. The said order is under challenge in this Criminal Original Petition.

4. Learned counsel appearing for the petitioner submitted that the petitioner is a widow lady and in the course of settlement, the petitioner's father-in-law died and in such a pathetic situation, she is unable to co-operate for the settlement process and hence she could not comply with the order of the lower appellate Court. The learned counsel for the petitioner further submitted that now the petitioner is ready to deposit 20% of compensation amount and prays for extension of time to pay the compensation amount.

5. Considering the facts and circumstances and also considering the submissions made by the learned counsel for the petitioner, in order to give an opportunity to the petitioner to comply with the directions of the lower appellate Court, the time is extended till 09.12.2024 to deposit 20% of the compensation amount. The petitioner is directed to deposit 20% of the compensation amount to the credit of S.T.C.No.135 of 2021 on the file of the Judicial Magistrate, Fast Track



CrI.O.P.No.29636 of 2024

Court at Magistrate Level), Thiruvallur on or before 09.12.2024. On such deposit, the learned Appellate Judge shall dispense with the personal appearance of the petitioner till the disposal of the appeal.

6. With the above observation and directions, this Criminal Original Petition is disposed of.

26.11.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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CrI.O.P.No.29636 of 2024

To

1. The I Additional District and Sessions Judge,
Thiruvallur.
2. The Judicial Magistrate,
Fast Track Court atMagistrate Level,
Thiruvallur.



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CrI.O.P.No.29636 of 2024

P.VELMURUGAN, J

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CrI.O.P.No.29636 of 2024

26.11.2024