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CrI.O.P.No.23008 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.23008 of 2024

Mr.P.Ismail Raja.

... Petitioner

/versus/

K.Tajuthin

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to extend the time for complying the condition of depositing 20% of the Cheque amount passed by the Learned Principal Sessions Judge, Chennai in CrI.M.P.No.6518 of 2024 dated 01.03.2024.

For Petitioner : Mr.S.V.D.Rajendra Prasad

ORDER

This Criminal Original Petition is filed to extend the time for complying the condition of depositing 20% of the Cheque amount passed by the Learned Principal Sessions Judge, Chennai in CrI.M.P.No.6518 of 2024 dated 01.03.2024.



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2. The petitioner herein was found guilty under Section 138 of N.I Act by the trial Court for issuing cheque to the complainant without fund.

3. Aggrieved by the conviction and sentence passed by the trial Court, the petitioner has preferred appeal before the Principal Sessions Judge and same is pending in C.A.No.164 of 2024 on the file of XVII Additional Sessions Court, Chennai.

4. When the petitioner has filed application for suspension of sentence, the Lower Appellate Court directed him to deposit 20% of the cheque amount to the credit of C.C account within a period of 60 days. The said order is dated 01.03.2024. From the impugned order, this Court finds that 60 days time got expired on 01.05.2024.

5. The present petition is filed for extension of time stating that 7 days was left for him to mobilise fund and therefore, not able to comply the condition.

6. Today, the Learned Counsel for the petitioner to show his



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bonafide, produced demand draft for Rs.88,800/-, being the 20% of the cheque amount drawn at Indian Bank, Madras High Court Branch, Chennai and submit that, time may be extended for complying the condition imposed for suspension of sentence.

7. Taking note of the fact that the petitioner has drawn demand draft on 23.09.2024 for a sum of Rs.88,800/- in favour of FTC, Metropolitan Magistrate, Saidapet, Chennai. This Criminal Original Petition is disposed of with a direction to the petitioner to deposit the above said demand draft before the Metropolitan Magistrate, Saidapet, Chennai in the C.C account No.876/2017, within a period of 15 days from today. On such deposit, the Lower Appellate Court shall record the compliance of condition imposed for suspension of sentence and proceed further.

01.10.2024

Index : Yes/No
Neutral Citation : Yes/No
bsm

To
1. The Learned Principal Sessions Judge, Chennai.



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2. The XVII Additional Sessions Court, Chennai.
3. The Public Prosecutor, High Court, Madras.

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Dr.G.JAYACHANDRAN,J.

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