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Crl.O.P.No.29631 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.29631 of 2024

Paul Ratinakumar Earnest

... Petitioner

Vs.

P.Shankar

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in Crl.M.P.No.1364 of 2024 in Crl.A.No.33 of 2024 on the file of the Principal Sessions Court, Chennai and set aside the same, insofar as to the condition of the order of deposit 20% of compensation amount.

For Petitioner : Mr.G.R.Hari

ORDER

Challenging the order dated 11.01.2024 in Crl.M.P.No.1364 of 2024 in Crl.A.No.33 of 2024 on the file of the Principal Sessions Court, Chennai, the present petition has been filed by the petitioner/accused.

2. The petitioner herein was found guilty by the learned



Crl.O.P.No.29631 of 2024

Metropolitan Magistrate, Fast Track Court-II, Saidapet, Chennai in

C.C.No.1650 of 2019, for an offence under Section 138 of Negotiable

Instruments Act and sentenced him to undergo six months' simple imprisonment and to pay the cheque amount as compensation to the complainant, in default, to undergo simple imprisonment of one month.

Aggrieved by the same, he preferred an appeal before the Principal Sessions Court, Chennai, in Crl.A.No.33 of 2024. Along with the appeal,

he has preferred an application seeking suspension of sentence in

Crl.M.P.No.1364 of 2024. The lower appellate Court, vide order dated

11.01.2024, by invoking Section 148 of Negotiable Instruments Act

(Amendment Act) 2018, suspended the sentence on condition that the

petitioner shall deposit 20% of the compensation amount within 60 days

from the date of order.

3. Learned counsel appearing for the petitioner submitted that the petitioner is a builder and due to his financial crisis, he is unable to mobilise 20% of the compensation amount. The learned counsel for the petitioner further submitted that 60 days' time to deposit 20% of compensation had expired and hence he seeks two weeks extension of time to pay the compensation amount.



CrI.O.P.No.29631 of 2024

WEB COPY

4. Considering the facts and circumstances and also considering the submissions made by the learned counsel for the petitioner, time is extended till 10.12.2024 to deposit 20% of the compensation amount. The petitioner is directed to deposit 20% of the compensation amount to the credit of C.C.No.1650 of 2019 on the file of the learned Metropolitan Magistrate, Fast Track Court-II, Saidapet, Chennai.

5. 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.29631 of 2024

1. The Principal Sessions Judge,
Principal Sessions Court,
Chennai.
2. The Metropolitan Magistrate,
Fast Track Court-II,
Saidapet, Chennai.



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CrI.O.P.No.29631 of 2024

P.VELMURUGAN, J

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CrI.O.P.No.29631 of 2024

26.11.2024