



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.246 of 2024

1. M/s.Pacific Infotech P Ltd.,
Rep by its Director Ashok B Jeswani,
Plot No.A/2, First Floor,
Tahira Industries Compound, Inside Premson Premises,
Opp.Jain Mandir, Caves Road, Jogeshwari (East),
Mumbai – 400 060

Also at
Om complex, G-4/5, B Building,
H.No.1571, Kanchan Compound,
Opp. Kasthuri Complex, Dapoda Road,
Rahanlal, Bhiwadi – 421 302

Also at
10/B, ABBAS Building, 1st Floor,
Jaibhai Street, Near Dreamland Cinema,
Grant Road (East),
Mumbai – 400 004.

Also at
Gat No.2337/1, Godown No.9,10, 11,
Pune Trade Centre, Wagholi,
Pune – 412 207

2. Ashok B Jeswani
Director, M/s.Pacific Infotech P Ltd.,
10/B, ABBAS Building, 1st Floor,
Jaibhai Street, Near Dreamland Cinema,
Grant Road (East),



Mumbai – 400 004.

Residence :

301/C, Teak Wood Apts,
Vasant Gardens, Mulund (W),
Mumbai – 400 080

3. Kishore B Jeswani

Director

M/s.Pacific Infotech P Ltd.,
10/B, ABBAS Building, 1st Floor,
Jaibhai Street, Near Dreamland Cinema,
Grand Raod (East), Mumbai – 400 004

Residence:

A 603, 6th Floor, Golden Willows,
Vasant Garden, Swepna Nagari,
Mulund West, Mumbai – 400 080

4. Sanjay Daudayal Sharma

Director, M/s.Pacific Infotech P Ltd.,
10/B, ABBAS Building, 1st Floor,
Jaibhai Street, Near Dreamland Cinema,
Grant Raod (East), Mumbai 400 004.

Residence :

2/E/18, Moolji Nagar,
S.V.Road, Borivai West,
Mumbai – 400 092

..Petitioners/Petitioners/ Appellants

Vs.

M/s.Redington India Limited,
Rep. by its Power of Attorney,
Mr.M.Sundarrajan,
Spl. Guindy House, 95, Mount Road,
Guindy, Chennai – 600 032 .. Respondent /Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to



extend the 60 days time frame for payment of 20% of compensation imposed in CrI MP No.16900 of 2023 in CA No.405 of 2023 dated 17.07.2023 and further direct Metropolitan Magistrate, Fast Track Court V at Saidapet, Chennai to accept the deposit and Credit in CC No.1425 of 2016.

For Petitioner : Mr.S.Suresh
For Respondent : Mr.V.T.Narendran

ORDER

This petition has been filed seeking for extension of time to deposit 20% of the compensation amount imposed as a condition by the Court below for granting suspension of sentence in favour of the petitioner.

2.The petitioner faced trial before the Metropolitan Magistrate, Fast Track Court V, Saidapet, for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 19.06.2023 convicted the petitioner and sentenced him to undergo 9 months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.1,34,23,970/- and in default to undergo three months simple imprisonment.



3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal Sessions Judge, Chennai. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 17.07.2023 suspended the sentence by imposing certain conditions. One of the conditions imposed by the appellate Court was that the petitioner should deposit 20% of the compensation amount ordered by the trial Court. The petitioner was given two months time to make this deposit.

4. The learned counsel for the petitioner submitted that the petitioner was not able to arrange for making this deposit due to financial constraints and therefore, the present petition has been filed seeking for extension of time. The learned counsel further submitted that the petitioner will deposit this amount within a period of two weeks from today.

5. Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioner to deposit 20% of the compensation amount ordered by the trial Court on or before 18.01.2024. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that no further



extension of time will be granted. If the petitioner fails to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court. If the amount is deposited on time, the learned XXI Additional City Civil Court at Allikulam, Chennai, shall hear the appeal and dispose of the same within a period of four months from the date of receipt of a copy of this order.

08.01.2024

Index :Yes/No

Internet:Yes/No

Note:Issue order copy on 09.01.2024

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To

- 1.The Metropolitan Magistrate, Fast Track Court V at Saidapet, Chennai
2. The Principal Sessions Judge, Chennai.
3. XXI Additional City Civil Court at Allikulam, Chennai
- 4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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