



Crl.O.P.No.30231 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.30231 of 2024

Kathiravan

... Petitioner

Vs.

Gunasundari

... Respondent

PRAYER:

Criminal Original Petition filed under Section 532 of BNSS Act, to set aside the order passed in Crl.M.P.No.1053 of 2024 by the District and Sessions Judge at Tiruvallur and thereby allow the petitioner / appellant to deposit 20% of the compensation amount before the trial Court to the credit S.T.C.No.442 of 2020 within a stipulated time.

For Petitioner : Mr.A.J.Mohamed Kassim



WEB COPY



Crl.O.P.No.30231 of 2024

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned District and Sessions Judge at Tiruvallur in Crl.M.P.No.1053 of 2024 and thereby to allow the petitioner to deposit 20% of the compensation amount before the trial Court to the credit S.T.C.No.442 of 2020 within a stipulated time.

2. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3. The contention of the learned counsel for the petitioner is that the respondent had filed a complaint as against the petitioner in S.T.C.No.442 of 2020 on the file of the Judicial Magistrate Fast Track Court at Magisterial Level, Poonamalle, Tiruvallur District under Section 138 of the Negotiable Instruments Act and the petitioner was convicted and sentenced to undergo simple imprisonment for six months and directed to pay compensation amount. Aggrieved over the same, the



Crl.O.P.No.30231 of 2024

petitioner had filed an appeal in Crl.A.No.38 of 2024 before the learned District and Sessions Judge at Tiruvallur. Subsequently, the petitioner had filed a petition in Crl.M.P.No.1053 of 2024 seeking suspension of sentence imposed by the learned Judicial Magistrate, till the disposal of the appeal and the same was ordered by the learned District and Sessions Judge, by directing the petitioner to deposit 20% of the compensation amount before the trial court. Since the petitioner fell sick, he was unable to comply with the condition. Now, the petitioner states that he is ready to deposit said compensation amount.

4. Though the petitioner has filed the criminal original petition to set aside the impugned order passed by the learned District and Sessions Judge at Tiruvallur in Crl.M.P.No.1053 of 2024 and now the petitioner is ready to deposit 20% of the compensation amount awarded by the learned Sessions Court, the petitioner is directed to deposit 20% of the compensation amount to the credit of S.T.C.No.442 of 2020 on the file of the Judicial Fast Track Court at Magisterial Level, Poonamallee, Tiruvallur District on or before 18.12.2024. On such deposit, personal



Crl.O.P.No.30231 of 2024

WEB COPY

appearance of the petitioner/appellant before the appellate court is dispensed with. However, the petitioner is directed to appear before the appellate court as and when his presence is required. The learned District and Sessions Court, Tiruvallur is directed to hear the appeal in Crl.Appeal No.38 of 2024 and dispose the same on merits and in accordance with law.

5. With the abovesaid direction, the criminal original petition is disposed of.

03.12.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The District and Sessions Judge, Tiruvallur.
2. Judicial Magistrate Fast Track Court at Magisterial Level, Poonamalle, Tiruvallur District.



WEB COPY



Crl.O.P.No.30231 of 2024

P.VELMURUGAN, J.

mfa

Crl.O.P.No.30231 of 2024

03.12.2024