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Cr1.O.P.(MD)No.6240 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P.(MD)No.6240 of 2024

Kumutha ... Petitioner

versus

S.Manivannan ... Respondent

Petition filed under Section 482 Cr.P.C. seeking to set aside the order passed in the memo for extension of time dated 02.01.2024 in Cr1.M.P.No.7611 of 2023 passed by the learned Principal Sessions Judge, Thanjavur and issue a direction, directing the learned Principal Sessions Judge, Thanjavur, to extend the time.

For Petitioner : Mr.S.Balasubramanian

ORDER

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instrument Act, by the learned Judicial Magistrate, Fast Track Court,



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Thanjavur, in C.C.No.20 of 2018, dated 08.06.2023 and she was directed to pay the cheque amount of Rs. 8,00,000/- as compensation under Section 357(3) Cr.P.C. Challenging the same, the petitioner filed an appeal in C.A.No.265 of 2023 before the learned Principal Sessions Judge, Thanjavur and also filed an application in Crl.M.P.No.7611 of 2023 in C.A.No.265 of 2023 to suspend the sentence imposed by the trial Court. The learned Principal Sessions Judge, Thanjavur, by order dated 01.12.2023, in Crl.M.P.No.7611 of 2023, has directed the petitioner to deposit 20% of the compensation amount before the Sessions Court within 32 days, i.e. on or before 02.01.2024. But, the petitioner has failed to pay the amount as directed by the Sessions Court. Thereafter, the petitioner has filed an application for extension of time, which was dismissed by the learned II Additional District and Sessions Judge, Thanjavur. Hence, the petitioner is before this Court.



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2. The learned counsel for the petitioner submits that the petitioner is having a good case in the appeal. The petitioner could not mobilize the funds and therefore, she could not pay the amount as directed by the trial Court in time. He further submits that the petitioner would pay the amount as directed by the Principal Sessions Judge, within a period of one week from today.

3. This Court considered the submission made by the learned counsel for the petitioner.

4. Considering that the petitioner is a woman, in order to provide one more opportunity to the petitioner to pay the amount as directed by the learned Principal Sessions Judge, Thanjavur, this Court is inclined to dispose this petition with a direction to the petitioner to deposit the amount as directed in Cr1.M.P.No.7611 of 2023 dated 01.12.2023 on or before 30.04.2024.



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5. Accordingly, this Criminal Original Petition is disposed of with a direction to the petitioner to deposit the amount as directed in Crl.M.P.No.7611 of 2023 dated 01.12.2023 on or before 30.04.2024. In the event, if the petitioner fails to pay the amount, this order would automatically stand cancelled.

24.04.2024

NCC : Yes / No.
Index : Yes / No.
Internet: Yes / No.
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Note : Issue order copy on 26.04.2024

To

1. The learned Principal Sessions Judge,
Thanjavur
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B. PUGALENDHI, J.

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