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Crl.O.P.No.15907 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.15907 of 2024

K.Subburaj

.... Petitioner

Vs

Chennai Consultancy
Rep.by its Authorised Officer,
Mr.Ramaiah Chidambaram
Vijay Tower Shop 17
Ground floor, South wing,
No.18, Halls road, Kilpauk
Chennai 600 001.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to extend the time to deposit 20% of the compensation amount to the credit of C.C.No.3820 of 2018 order passed in Crl.M.P.No.9895 of 2024 in Crl.A.No.243 of 2024 dated 28.03.2024 within 60 days from the date of order by the Sessions Court, Chennai.

For Petitioner : Mr.R.Radha Pandian



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ORDER

This Criminal Original Petition has been filed to extend the time to deposit 20% of the compensation amount to the credit of C.C.No.3820 of 2018 order passed in Crl.M.P.No.9895 of 2024 in Crl.A.No.243 of 2024 dated 28.03.2024 within 60 days from the date of order by the Sessions Court, Chennai.

2. The petitioner is an accused in the complaint lodged by the respondent for the offences punishable under Section 138 of the Negotiable Instruments Act in C.C.No.3820 of 2018 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai. After a full-fledged trial, the Trial Court convicted the petitioner for the offences punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo six months of simple imprisonment and also awarded a compensation to the tune of Rs.5,00,000/-.

3. Aggrieved by the same, the petitioner preferred an appeal and



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also filed a petition in Crl.M.P.No.9895 of 2024 seeking suspension of sentence and the same was ordered till 05.04.2024. The Appellate Court by order dated 28.02.2024 suspended the sentence imposed by the trial Court on condition that the petitioner shall deposit 20% of the cheque amount to the credit of C.C.No.3820 of 2018 on the file of the trial Court. However, the petitioner could not able to comply with the condition and filed this petition for extension of time. In order to show his bonafide, the petitioner has also taken Demand Draft for a sum of Rs.1,00,000/- dated 09.07.2024 i.e., 20% of the cheque amount. That apart, the petitioner is aged about 80 years. Therefore, this Court is inclined to extend the time to comply with the condition imposed by the Appellate Court till 14.02.2025 on condition that the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) instead of Rs.1,00,000/- to the credit of C.C.No.3820 of 2018 on the file of the Metropolitan Magistrate, Fast Track Court-I, Egmore @ Allikulam, Chennai, failing which, the trial Court is directed to proceed as against the petitioner in accordance with law.



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4. With the above direction, this Criminal Original Petition is ordered, accordingly.

07.02.2025

Index : Yes/No
dpq

To

1. The Metropolitan Magistrate,
Fast Track Court-I, Egmore @ Allikulam,
Chennai.
2. The III Additional Sessions Court
i/c of Principal Sessions Court,
Chennai.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

dpq

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