

ITEM NO.65

COURT NO.11

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).2489/2019

(Arising out of impugned final judgment and order dated 07-01-2019 in CRLMP No. 17930/2018 passed by the High Court of Judicature at Madras)

S. KALAISELVI & ANR.

Petitioner(s)

VERSUS

M/S ABIJITH TRADERS

Respondent(s)

(WITH I.R. and IA No.43104/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 15-03-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Ms. D. Durga Devi, Adv.
Mr. Mani Bhushan Sinha, Adv.
Mr. Pranab Prakash, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The High Court, by its impugned order dated 7 January 2019, vacated its earlier order dated 24 September 2018 granting a suspension of sentence on the ground that the first petitioner had failed to deposit the amount of Rs 7,10,768 as was directed in the earlier order.

The petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and has been sentenced to six months' imprisonment and to a fine of Rs 14,21,536.

Learned counsel appearing on behalf of the petitioners has stated before the Court that the first petitioner is ready and willing to comply with the order for deposit, but in the interest of justice, an extension of time may be granted by condoning the lapse on the part of the first petitioner in complying with the time schedule that was imposed for deposit.

We consider this request to be fair and proper and, accordingly, direct that the petitioners shall deposit an amount of Rs 7,10,768, as ordered by the High Court, within a period of one week from today. In the event the petitioners do so, the order for vacating the suspension of sentence shall stand set aside. In order to enable the petitioners to comply with the terms of the present order, the impugned order dated 7 January 2019 shall remain suspended for a period of one week.

The Special Leave Petition stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER