



Crl.O.P.No.6194 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6194 of 2023

Amulraj

...

Petitioner

-VS-

1.S.Jawahar

2.The State represented by
The Public Proscutor of Nilgiris,
Udhagamandalam.

...

Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to allow the above Criminal Original Petition by setting aside the order dated 13.02.2023 passed in Crl.M.P.No.137 of 2023, and consequently suspend the sentence imposed in C.A.No.12 of 2023 in STC.No.85 of 2019 on the file of the Court of Sessions Division of the Nilgiris District at Udhagamandalam.

For Petitioner

...

Mr.R.Chandrasekaran

For R-1

...

Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

WEB COPY This Criminal Original Petition has been filed to set aside the order dated 13.02.2023 passed in Crl.M.P.No.137 of 2023, and consequently suspend the sentence imposed in C.A.No.12 of 2023 in STC.No.85 of 2019 on the file of the Court of Sessions Division of the Nilgiris District at Udhagamandalam.

2. It is the submission of the learned counsel for the petitioner that, petitioner was convicted in STC.No.85 of 2019 for the offences under Sections 138 and 142 of Negotiable Instruments Act, 1881 on 17.10.2022 and sentenced to undergo simple imprisonment for a period of three months and imposed compensation of Rs,1,75,000/-. This sentence was suspended by learned Judicial Magistrate. However, petitioner filed an appeal belatedly and sought for suspension of sentence. Learned Sessions Judge, Udhagamandalam finding that petition for suspension of sentence was filed three months after the Judgment and not within the period of suspension ordered by the learned Judicial Magistrate, dismissed the petition. Challenging the said order, this petition is filed.



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3. It is further submitted by the learned counsel for the petitioner that, petitioner is a cooli and he is ready to settle the issue with the 1st respondent.

4. In the light of the submission of learned counsel for the petitioner, this Court set asides the order passed in Crl.M.P.No.137 of 2023 on the file of the Court of Sessions Division of the Nilgiris District at Udhagamandalam.

(i) Petitioner is directed to move fresh petition for suspension of sentence, within a period of two weeks from the date of receipt of a copy of this Order.

(ii) On filing of such petition, learned Sessions Judge, Udhagamandalam is directed to dispose the petition immediately taking into consideration of the fact that petitioner wants to settle the issue with the 1st respondent.



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G.CHANDRASEKHARAN, J.

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5. Accordingly, this Criminal Original Petition is disposed of.

17.03.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking order

gd

To

1.The Court of Sessions Division of the Nilgiris District,
Udhagamandalam.

2.The Public Proscutor of Nilgiris,
Udhagamandalam.

3.The Public Prosecutor,
High Court, Madras.

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