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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.5891 of 2023

Mr.Palani, M/41
Proprietor of M/s.Annamalai Drug Agencies
No.70, Perumal North Car Street
Tirunelveli-627 001.

.. Petitioner/Respondent/Appellant

.Vs.

M/s.Abbot India Ltd.
Rep.by its Managing Director
68/2, Neeva Jothi Salai
Thanigai Nagar
Vadaperumbakkam
Chennai 600 060.

... Respondent/Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 12.12.2022 passed by the Sessions judge, Chennai in Crl.MP.No.24642 of 2022 in Crl.A.No.308/2022.

For Petitioner : Mr.P.Balamurugan

For Respondent : No Appearance

ORDER

This Criminal Original Petition has been filed challenging the order passed by

the Court below dismissing the application filed in Crl.MP.No.24642 of 2022 seeking



for suspension of sentence pending Crl.A.No.308/2022, by order dated 12.12.2022.

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

3.The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act, 1881 and he was sentenced to undergo three months simple imprisonment and to pay a compensation of Rs.5,87,781/-. Aggrieved by the same, the petitioner filed an appeal before the Court below in Crl.A.No.308 of 2022. The petitioner also filed an application seeking for suspension of sentence. The Court below dismissed this application on the ground that the Trial Court had suspended the sentence till 14.10.2022 and whereas the suspension of sentence petition was filed only on 17.10.2022 and it was heard only subsequently and hence, the Court below was not inclined to entertain the application.

4.Taking into consideration the facts and circumstances of the case, this Court is inclined to dispose of this criminal original petition in the following terms:

a) The petitioner is directed to surrender before the Principal Sessions Judge, Chennai on or before 19.09.2023 and shall file a bail application before the Court.



b) The petitioner is directed to deposit 20% of the compensation amount within a period of **four weeks** from the date of surrender before the Court below.

c) The Court below is directed to grant interim bail to the petitioner for a period of four weeks.

d) If the petitioner deposits the compensation amount as directed by this Court within stipulated time, the Court below shall make the order of bail absolute by imposing necessary conditions. and ;

e) If the petitioner fails to deposit the compensation amount as directed by this Court, the Court below shall cancel the interim bail and shall secure the petitioner and make the petitioner undergo the sentence imposed by the Trial Court.

12.09.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

KP

Note: Issue order copy on **14.9.2023**

To

1. Sessions judge, Chennai .

2. Metropolitan Magistrate, FTC-IV, George Town
Chennai.

N. ANAND VENKATESH,. J.



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