



WEB COPY

Crl.OP No.7212 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-12-2023

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl. OP No.7212 of 2023

And

Crl.MP No.5174 of 2023

C.M.Premalatha

... Petitioner/Accused

Vs.

K.Chandrasekaran

... R-1/Complainant

The Public Prosecutor of Nilgiris,
Udhagamandalam,
The Nilgiris.

... R-2/Respondent No.2

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the learned Sessions Judge, Udhagamandalam, The Nilgiris in Crl.MP No.228 of 2023 in CA No.20 of 2023 dated 22.02.2023, consequently suspend the sentence imposed by the learned Judicial Magistrate, Fast Track Court at Magisterial



level at Coonoor in STC No.34 of 2021 dated 20.01.2023.

WEB COPY

For Petitioner : Mr.Thangavadhana Balakrishnan

For Respondent-2 : Mr.Leonard Arul Joseph Selvam,
Government Advocate
(Criminal Side).

ORDER

The petitioner is the appellant in CA No.20 of 2023 on the file of the learned Principal Sessions Judge, Udthagamandalam, The Nilgiris District.

2. Against the order of conviction under Section 138 of the Negotiable Instruments Act, 1881, the abovesaid appeal is filed by the petitioner herein. However, after the expiry of 30 days of suspension of sentence granted by the Trial Court under Section 389(3) of Cr.P.C., the petitioner has approached the Court of Appeal seeking suspension of sentence, which was dismissed as the warrant has already been issued to secure the petitioner.



3. The learned counsel appearing on behalf of the petitioner submits that due to communication gap between the counsel and the party, the application for suspension of sentence could not be filed within the time prescribed. Hence prayed for the order of the Lower Appellate Court to be set aside and be entertained on any condition in accordance with law.

4. Considering the above plea made on behalf of the learned counsel for the petitioner, the petitioner shall deposit a sum of Rs.60,000/-, being 20% of the compensation amount in the STC Account and produce the same before the Court of Appeal on 11.12.2023, the date on which the Appeal is listed for hearing and seek for suspension of sentence with the proof of deposit of the conditional amount. If the abovesaid amount is deposited in the STC Account and the receipt produced before the Lower Appellate Court, the same may be taken into account and appropriate order be passed in the application for suspension of sentence.

5. With the abovesaid observations, the present Criminal Original Petition stands disposed of. Consequently, the connected Criminal



Miscellaneous Petition is closed.

WEB COPY

Crl.OP No.7212 of 2



05-12-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn



To

1. The Sessions Judge,
Udhagamandalam,
The Nilgiris District.
2. The Judicial Magistrate,
Fast Track Court at Magisterial level at Coonoor.
3. The Public Prosecutor of Nilgiris,
Udhagamandalam,
The Nilgiris District.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY

Crl.OP No.7212 of 2



DR.G.JAYACHANDRAN, J.

Svn

Crl. OP 7212 of 2023

05-12-2023