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Criminal Original Petition No.15187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.15187 of 2023

Sugumaran
S/o.Raman

...Petitioner

Vs

1.Mohanraj
S/o.Samu

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

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records of the case in CrI.M.P.No.258 of 2023 in C.A.No.27 of 2023 on the file of learned Sessions Judge, Udhagamandalam, filed against S.T.C.No.77 of 2022 on the file of learned Fast Track Judicial Magistrate Court, Coonoor and set aside the order dated 04.03.2023 made in CrI.M.P.No.258 of 2023 in C.A.No.27 of 2023 by learned Sessions Judge, Udhagamandalam.

For Petitioner : Ms.Jayasri Baskar

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R2]



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ORDER

This petition has been filed challenging the order passed by learned Sessions Judge, Udthagamandalam, in Crl.M.P.No.258 of 2023 in C.A.No.27 of 2023 dismissing the application seeking for suspension of sentence pending disposal of the criminal appeal.

2. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay compensation of a sum of Rs.6,00,000/- to the complainant and in default, to undergo two months simple imprisonment. The petitioner filed an appeal with a delay of two days. The petition seeking condonation of delay was allowed by the Court below by an order dated 28.02.2023. Thereafter, the Court below took up the application filed for suspension of sentence and dismissed the same by an order dated 04.03.2023. Aggrieved by the same, the present petition has been filed before this Court.

3. Heard Ms.Jayasri Baskar, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor, appearing for second respondent.



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

- (a) The petitioner is directed to surrender before the learned Sessions Judge, Udhagamandalam, on or before 17.07.2023;
- (b) The petitioner, at the time of surrender, shall file a bail application before the Court below;
- (c) The petitioner shall deposit 20% of the compensation amount fixed by the trial Court on or before 07.08.2023;
- (d) The learned Sessions Judge, Udhagamandalam, shall grant interim bail to the petitioner till 07.08.2023 by imposing necessary conditions;
- (e) If the petitioner deposits the amount as directed by this Court within the time stipulated, the learned Sessions Judge, Udhagamandalam, shall make the bail order absolute by imposing necessary conditions; and
- (f) If the petitioner fails to deposit the amount as directed by this Court, the appellate Court shall cancel the interim bail and shall secure the petitioner and remand him to undergo the sentence imposed by the trial Court.



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N.ANAND VENKATESH, J

gm

This Criminal Original Petition is disposed of with the above direction.

10.07.2023

Note to office: Issue order copy by 12.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

- 1.The Sessions Judge,
Udhagamandalam.
- 2.The Public Prosecutor of Nilgiris,
Udhagamandalam.
- 3.The Public Prosecutor,
High Court, Madras.

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