



CRL.O.P. No.10554 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. No.10554 of 2023
and Crl.M.P.No.6764 of 2023

A.Shanthi

... Petitioner

Vs.

J.Rajendran

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records of the order passed in Crl.M.P.No.9605 of 2023 in C.A.No.207 of 2023 by the Principal Sessions Judge, Chennai dated 25.04.2023 and set aside the same.

For Petitioner : M/s.N.Kohila

ORDER

This petition has been filed to call for the entire records of the order passed in Crl.M.P.No.9605 of 2023 in C.A.No.207 of 2023 by the Principal Sessions Judge, Chennai dated 25.04.2023 and set aside the same.



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2. Challenging the order of dismissal of the Suspension of Sentence passed in C.C.No. 1019 of 2021 vide order dated 01.03.2023 on the file of the Fast Track Magistrate-II, Egmore, Allikulam, Chennai.

3. It is seen that the petitioner is an accused on the complaint lodged by the respondent for the offence under Section 138 of NI Act. The trial Court found him guilty for the offence under Section 138 of NI Act and sentenced him to under go six months simple imprisonment. The Trial Court also suspended the sentence till 30.03.2023.

4. Aggrieved by the conviction, the petitioner herein preferred an appeal and also filed an application to suspend the sentence on 31.03.2023. There was a delay of one day viz., after expiry of interim suspension order passed by the trial Court, the petitioner filed the appeal. Therefore, the Court below dismissed the petition seeking for suspension of sentence.

5. The learned counsel for the petitioner would submit that by wrongly calculating the days, the petitioner filed an appeal with one day delay in filing the suspension of sentence petition.



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6. Considering the above, the order in Crl.M.P.No.9605 of 2023 in C.A.No.207 of 2023 on the file of the Principal Sessions Judge, Chennai dated 25.04.2023 is set aside and suspension of sentence is ordered with a condition that the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of C.C.No.1019 of 2021 on the file of the Fast Track Magistrate-II, Egmore, Allikulam, Chennai on or before 29.05.2023 failing which, the order stands canceled automatically. The respondent is at liberty to proceed against the petitioner in accordance with law.

7. Accordingly, this Criminal Original Petition is disposed of. After complying the condition, the trial Court is directed to proceed with the appeal and dispose the same on merits and in accordance with law. Consequently, Crl.M.P.No.6764 of 2023 is closed.

05.05.2023

Index : Yes/No

Internet : Yes

Speaking/non speaking order

Note:- Issue order copy
on 05.05.2023

To

1. The Principal Sessions Judge, Chennai.

2. The Public Prosecutor,
High Court, Madras.

<https://www.mhc.tn.gov.in/judis>



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G.K.ILANTHIRAIYAN, J.

mpa

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