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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.15103 of 2023

Shyam Sundar

Petitioner

vs.

M/s.Shree Swamy Pharma,
Rep. by A.Sachithanantham,
No.172(214) Pycrofts Road,
Royapettah,
Chennai - 600 014.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 09.06.2023 passed in Crl.MP.No.12717 of 2023 in Crl.MP.No.6741 of 2023 in C.A.No.100 of 2023 on the file of Principal Sessions Court, Chennai.

For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondent : MR.A.Damodharan
Additional Public Prosecutor

This petition has been filed to set aside the order dated 09.06.2023 passed in Crl.MP.No.12717 of 2023 in Crl.MP.No.6741 of 2023 in C.A.No.100 of 2023 on the file of Principal Sessions Court, Chennai.



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2. The petitioner faced trial before the Metropolitan Magistrate, Fast Track Court at Magisterial Level IV, George Town, Chennai for an offence under Section 138 of the Negotiable Instruments Act. The trial Court by judgment dated 15.02.2023 convicted the petitioner and sentenced him to undergo 3 months simple imprisonment and directed the petitioner to pay compensation of a sum of Rs.1,99,000/- as compensation within a period of one month.

3. Aggrieved by the said judgment, the petitioner filed an appeal before the Principal Sessions Judge, Chennai. Along with the appeal, the petitioner also filed a petition for suspension of sentence. The appellate Court by an order dated 09.06.2023 suspended the sentence by imposing certain conditions. One of the conditions imposed by the appellate Court was that the petitioner should deposit 20% of the compensation amount ordered by the trial Court. The petitioner was given two months time to make this deposit.

4. The learned counsel for the petitioner submitted that the petitioner was not able to arrange for making this deposit due to financial constraints and therefore, the present petition has been filed seeking for extension of



time. The learned counsel further submitted that the petitioner will deposit this amount within a period of one week from today.

5. Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the petitioner to deposit 20% of the compensation amount ordered by the trial Court within a period of one week from today. The other conditions imposed by the appellate Court shall stand as it is. It is made clear that if the petitioner fails to deposit the amount within the time stipulated by this Court, the suspension of sentence granted in favour of the petitioner shall stand cancelled automatically without any further reference to this Court.

07.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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Note : Issue order copy on 10.07.2023



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N. ANAND VENKATESH,. J.

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