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Criminal Original Petition No.15137 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.15137 of 2023

S.I.Arul

...Petitioner

Vs

M.Prem Prakash
S/o.Magilal

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records pertaining to CrI.M.P.No.14021 of 2023 in C.A.No.339 of 2023 passed by Court of Sessions, Chennai and set aside the order dated 20.06.2023 by allowing this petition.

For Petitioner : Mr.K.Balasubramaniam

ORDER

This petition has been filed challenging the order passed by Sessions Court, Chennai, in CrI.M.P.No.14021 of 2023 in C.A.No.339 of 2023 dismissing the petition filed for suspension of sentence pending disposal of the criminal appeal.

2. The petitioner was convicted for an offence u/s.138 of the



Negotiable Instruments Act and was sentenced to undergo three months simple imprisonment and to pay fine of Rs.20,57,000/- as compensation and in default to undergo three months simple imprisonment. The trial Court suspended the sentence imposed against the petitioner till 05.06.2023.

3. The petitioner filed the criminal appeal along with an application for suspension of sentence on 03.06.2023. Unfortunately, the application was returned for compliance of certain defects and it was represented on 15.06.2023. Since suspension of sentence ordered by the trial Court expired on 05.06.2023, the Court below refused to entertain the petition filed by the petitioner and it was dismissed by an order dated 20.06.2023. Aggrieved by the same, the present petition has been filed.

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

(a) The petitioner is directed to surrender before the learned Principal Sessions Judge, Chennai, on or before 14.07.2023;

(b) The petitioner, at the time of surrender, shall also move an application



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seeking for bail before the learned Principal Sessions Judge, Chennai;

- (c) The petitioner is directed to deposit 20% of the compensation amount fixed by the trial Court on or before 24.07.2023. The appellate Court shall grant an interim bail to the petitioner by imposing necessary conditions till 24.07.2023;
- (d) if the petitioner complies with the direction issued by this Court, the appellate Court shall make the order of bail absolute by imposing necessary conditions; and
- (e) If the petitioner fails to comply with the direction issued by this Court by not depositing the amount, the appellate Court shall cancel the interim bail and shall remand the petitioner to undergo the sentence imposed by the trial Court.

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

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

N.ANAND VENKATESH, J



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To

- 1.The Principal Sessions Judge,
Chennai.
- 2.The Inspector of Police,
Annur Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
High Court, Madras.

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