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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.07.2023

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.15648 of 2023

1. M/s.Anantha and Co
Rep by its partner Mr.B.Gajendran

2. Mrs.G.Sathya
W/o.B.Gajendran

.. Petitioners

Vs.

Mrs.D.Vinitha
W/o.R.Devaraj
No.G2, City Star Villa
Plot No.3, Anjaneyar Street,
Karthikeyan Nagar,
Maduravayil
Chennai 600095
Rep by her power agent Mr.R.Devaraj

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 22.06.2023 passed in Crl .MP No.14315 of 2023 in C.A.No.343 of 2023 by the



Hon'ble Principal Sessions Judge, Chennai and consequently, suspend the order of sentence and pay the compensation to the respondent / complainant imposed by the learned Metropolitan Magistrate, Fast Track Court, V Saidapet, Chennai in CC No.2995 of 2012 dated 09.06.2023.

For Petitioner : Mr.P.Premkumar
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the application filed seeking for suspension of sentence pending disposal of the appeal.

2. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo eight months simple imprisonment and to pay the cheque amount as compensation. The trial Court issued a non-bailable warrant to secure the petitioner to undergo the sentence and the same is pending. The petitioners aggrieved by the judgement of the



Trial Court filed a criminal appeal and along with the appeal filed an application seeking for suspension of sentence. The said application was dismissed by the Court below on the ground that the petitioners did not surrender before the Trial Court and hence, there is no question of suspending the sentence. Aggrieved by the same, the present criminal original petition has been filed before this Court.

3. Heard Mr.P.Premkumar, learned counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor for respondents.

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

- (a) The petitioners are directed to surrender before the IV Additional City Civil Court, Chennai, on or before 21.07.2023.
- (b) The petitioners shall file a bail petition before the Court below at the time of surrender.



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(c) The petitioners shall deposit 20% of the cheque amount on or before 11.08.2023.

(d) The Appellate Court shall grant interim bail to the petitioner till 11.08.2023 by imposing necessary conditions.

(e) If the petitioners comply with the directions issued by this Court by depositing the amount within the stipulated time, the Appellate Court shall make the bail order absolute by imposing necessary conditions. and

(f) If the petitioners fail to deposit the amount within the time stipulated by this Court, the Appellate Court shall cancel the interim bail and shall secure the petitioners in order to make them undergo the sentence imposed by the Court below.

14.07.2023

Index :Yes/No

Internet:Yes/No

Speaking/Non speaking order

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Note : Issue order copy on 17.07.2023



To

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1. The Principal Sessions Judge, Chennai
2. The Metropolitan Magistrate, Fast Track Court, V Saidapet, Chennai
3. The Public Prosecutor, High Court, Madras.



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N. ANAND VENKATESH,J

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