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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.16177 of 2023

N.S.Varadhan @ S.Varadarajan ... Petitioner/Accused/Appellant

Vs.

C.Natarajan
S/o.Chinniah

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the order dated 07.06.2023 made in Crl.MP.No.12451 of 2023 in C.C.No.1889 of 2021, by the Principal Sessions Judge, Chennai and set aside the same.

For Petitioner : Mr.S.Senthilvel

ORDER

This petition has been filed challenging the order passed by the Court below in Crl.MP.No.12451 of 2023, dated 07.06.2023 dismissing the application filed by the petitioner seeking for suspension of sentence.



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2.The respondent filed a complaint against the petitioner for offence u/s 138 of the Negotiable Instruments Act, 1881. The trial Court convicted the petitioner and sentenced the petitioner to undergo six months simple imprisonment. Aggrieved by the same, the petitioner filed an appeal before the Principal Sessions Judge, Chennai in CrI.A.No.305 of 2023. In this appeal, the petitioner filed an application seeking for suspension of sentence. This application came to be dismissed by the Court below by an order dated 07.06.2023 and aggrieved by the same, the present petition has been filed before this Court.

3. Heard Mr.S.Senthilvel, learned counsel for the petitioner.

4.The Court below has dismissed the application filed for suspension of sentence only on the ground that the trial Court had suspended the sentence till 25.05.2023 and the appeal was filed before the Court below on 23.05.2023 and it was returned for complying with some defects and it was represented only on 2.06.2023. In view of the same, the Court below dismissed the suspension of sentence application, since the suspension ordered by



the trial Court had lapsed on 25.5.2023.

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5. Taking into consideration the facts and circumstances of the case and the order passed by the Court below, this Court is inclined to dispose of this criminal original petition with the following directions:

(a) The petitioner is directed to surrender before the II Additional City Civil Court, Chennai on or before 24.07.2023.

(b) The petitioner shall file a bail application before the II Additional City Civil Court, Chennai and the Court below shall pass orders in the bail application on the same day.

(c) If the petitioner does not surrender before the Court below within the time stipulated by this Court, the Court below shall not entertain the application for suspension of sentence and ;

(d) If the petitioner surrenders before the Court below as directed by this Court, it is left open to the Court below to consider the bail application and impose necessary conditions.

19.07.2023

KP

Index: Yes/No

Internet: Yes/No

Note: Issue order copy on **20.07.2023**



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N.ANAND VENKATESH,J.

KP

To
1.The Principal Sessions Judge,
Chennai

2.The II Additional Judge,
City Civil Court, Chennai

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