



Crl.O.P.No.17300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17300 of 2023

Shankar

.. Petitioner

Vs.

State Represented by :
The Inspector of Police,
N1 Traffic Investigation Wing,
Royapuram Range Police Station,
Chennai - 13.
(Cr.No.17 of 2022)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the order dated 28.06.2023 made in Crl.M.P.No.14808 of 2023 in C.C.No.752 of 2022 by the Court of Session Judge, Chennai and set aside the same.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER



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This petition has been filed challenging the order passed by the Court below dismissing the application filed in Crl.MP No.14808 of 2023 seeking for suspension of sentence pending disposal of the appeal.

2. The petitioner was convicted for an offence under Section 304 A of IPC and was sentenced to undergo six months imprisonment and to pay a fine of Rs.2,000/- by the III Metropolitan Magistrate Court, George Town, Chennai, by order dated 28.06.2023.

3. The petitioner aggrieved by the same, filed an appeal before the Principal Sessions Judge, Chennai in Crl.A.No.274 of 2023. The petitioner also moved an application seeking for suspension of sentence. The Trial Court had suspended the sentence for a period of one month till 13.05.2023. When the petition for suspension of sentence was taken up for hearing, there was no representation and hence, the petition was dismissed for default on 24.05.2023. In view of the same, the petitioner filed yet another application in Crl MP No.14808 of 2023 and the same was dismissed by the Court below on the ground that the suspension of sentence ordered by the Trial Court had lapsed on 13.05.2023. Aggrieved



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by the same, the present Criminal Original petition has been filed before this Court.

4. Heard Mr.S.Senthilvel, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

5. Taking into consideration the facts and circumstances of the case and the sentence that has been imposed by the Trial Court, this Court is inclined to dispose of this criminal Original petition with the following directions :-

(a) The petitioner is directed to surrender before the XXI Additional Sessions Court, Chennai on or before 07.08.2023 and the petitioner shall file a bail application before the concerned Court.

(b) If the petitioner surrenders before the concerned Court and files the bail application as directed under Clause (a), the Appellate Court shall enlarge the petitioner on bail by imposing necessary conditions. and



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(c) If the petitioner fails to surrender

before the XXI Additional Sessions Court, Chennai, as directed under Clause (a), the Court below shall take immediate steps to secure the petitioner and to make him undergo the sentence imposed by the Trial Court.

02.08.2023

Index : Yes/No

Speaking order:Yes/No

Neutral citation:Yes/No

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Note : Issue order copy on 03.08.2023

To

1. The Principal Sessions Judge, Chennai.
2. XXI Additional Sessions Court, Chennai
3. The Inspector of Police,
N1 Traffic Investigation Wing,
Royapuram Range Police Station,
Chennai - 13.
4. The Public Prosecutor
High Court of Madras, Madras.

N.ANAND VENKATESH, J



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