



WEB COPY

Crl.O.P.No.23609 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23609 of 2023

J.Deepak Kumar

... Petitioner

Vs.

J.Vinoth Kumar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order passed in Crl.M.P.No.16618 of 2023 in C.A.No.401 of 2023 dated 13.07.2023 on the file of Court of Sessions at Chennai.

For Petitioner : Mr.N.Saravanan

ORDER

There is no representation for the petitioner.

2. However on perusal of the records and documents, it appears that the petitioner herein who is a convicted accused in a private complaint arising under Section 138 of Negotiable Instruments Act, for issuing a



cheque for Rs.4,00,000/- without sufficient fund been convicted and sentenced to undergo one year Simple Imprisonment and compensation of the cheque amount as contemplated under Section 357(3) of Cr.P.C.

3. Challenging the said judgment, the petitioner has preferred appeal before the Principal Session Court, Chennai. Along with the appeal, he has also sought for suspension of sentence. The said petition for suspension of sentence was dismissed by the lower appellate Court on the ground that the appeal though filed in time, it was returned for compliance of certain defects. The same was represented on 12.07.2023, by the time, the period of suspension of sentence granted by the trial Court got expired. Therefore, the petition for suspension of sentence was dismissed.

4. On perusing the record and the reason stated by the lower appellate Court declined to entertain the petition for suspension of sentence, this Court is of the view that liberty may be given to the accused/petitioner by directing him to deposit 20% of the cheque amount in the appeal account as per Section 148 of N.I.Act and contest his appeal. The lower appellate Court on deposit of the conditional amount of Rs.80,000/- by the petitioner



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shall entertain his petition for suspension of sentence / bail on his appearance on the same day.

5. With this observation, this Criminal Original Petition is disposed of.

19.10.2023

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

The Court of Sessions, Chennai.



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Dr.G.JAYACHANDRAN,J.

rpl

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