



Crl.O.P.No.18378 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl OP.No.18378 of 2023

A.Govindaraj

.. Petitioner

Vs.

N.Vijayaraj

.. Respondent

PRAYER : This Criminal Original petition filed under Section 482 of Cr.PC to call for the records and set aside the order dated 01.08.2023 passed by the Principal District Judge, Chennai in Crl MP No.1 of 2023 in Crl A No.434 of 2023.

For Petitioner : Mr. T.Sudha Gandhi

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed in Crl MP No.1 of 2023 in Crl A No.434 of 2023 seeking for suspension of sentence imposed by the Trial Court.



Crl.O.P.No.18378 of 2023

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2. This Court heard the learned counsel for the petitioner and carefully considered the materials available on record.

3. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, Fast Track Court V, Saidapet, Chennai by judgement dated 28.06.2023 and was sentenced to undergo eight months simple imprisonment and to pay the cheque amount of Rs. 6,00,000/- as compensation and in default to undergo three months simple imprisonment.

4. The petitioner was aggrieved by the judgement of the Trial Court and hence, an appeal was filed before the Court below in Crl A No.434 of 2023. The Trial Court had suspended the sentence till 27.07.2023. The petitioner filed an appeal only on 27.07.2023 and by the time the application for suspension of sentence was taken up, the period of suspension granted by the Trial Court had expired. In view of the same, the Court below dismissed the application. Aggrieved by the same, the present Criminal original petition has been filed before this Court.



Crl.O.P.No.18378 of 2023

WEB COPY

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is now confined at Central Prison, Puzhal, this Court is inclined to dispose of this Criminal Original petition with the following directions :-

(a) The petitioner is directed to move a bail application before the II Additional City Civil Court, Chennai to which the Crl A No.434 of 2023 has already been made over and the concerned Court shall grant an interim bail to the petitioner by imposing necessary conditions.

(b) The petitioner is directed to deposit 20% of the cheque amount within a period of 60 days before the Metropolitan Magistrate, Fast Track Court V, Saidapet, Chennai in CC No.6424 of 2017.

(c) On such deposit, the petitioner is directed to file the proof of such deposit before the II Additional City Civil Court, Chennai and the II Additional City Civil Court, Chennai shall make the order of bail absolute and necessary conditions shall also be imposed. and



Crl.O.P.No.18378 of 2023

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(d) If the petitioner fails to deposit 20% of the cheque amount, II Additional City Civil Court, Chennai, is directed to cancel the bail and the petitioner shall undergo the sentence imposed by the Trial Court.

16.08.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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Note : Issue order copy today

To

1. Principal District Judge, Chennai

2. Metropolitan Magistrate, Fast Track Court V, Saidapet, Chennai

3. II Additional City Civil Court, Chennai

4. The Public Prosecutor

Madras High Court, Madras.



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Crl.O.P.No.18378 of 2023

N.ANAND VENKATESH, J

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Crl.O.P.No.18378 of 2023

16.08.2023