



Crl.O.P.No.19794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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P.M.Vijaykumar

.. Petitioner

Versus

S.Sathish Kumar

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records of the impugned dismissal order, dated 07.08.2023 in Crl.M.P.No.1 of 2023 in Criminal Appeal No.452 of 2023 by the learned Principal Sessions Judge, Chennai, City Civil Court and set aside the same and grant bail to the petitioner / accused pending disposal of this appeal.

For Petitioner : M/s.R.Saritha,
for M/s.M.Simon

ORDER

This petition has been filed challenging the order passed by the Court below in Crl.M.P.No.1 of 2023, dated 07.08.2023, dismissing the



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application filed for suspension of sentence pending disposal of
Crl.A.No.452 of 2023.

2. Heard M/s.R.Saritha, learned Counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner was convicted for an offence under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo six months Simple Imprisonment and to pay the cheque amount of Rs.4,00,000/- along with interest at the rate of 6% per annum and in default, to undergo eight weeks Simple Imprisonment. The petitioner, being aggrieved by the judgment passed by the learned XX Metropolitan Magistrate, Allikulam, Chennai in C.C.No.4183 of 2016, filed a Criminal Appeal before the Court below in C.A.No.452 of 2023.

4. The petitioner, during the pendency of the Criminal Appeal, filed an application seeking for suspension of sentence. The Court below dismissed this application on the ground that the petitioner was not present at the time of passing of the judgment by the Trial Court and hence, a non-



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bailable warrant was issued against the petitioner and the petitioner has not surrendered before the Court below and therefore, the Court below dismissed the application seeking for suspension of sentence. Aggrieved by the same, the present petition has been filed before this Court.

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 off this Criminal Original Petition in the following terms:-

(a) The petitioner is directed to surrender before the III Additional City Civil Court, Chennai on or before 07.09.2023 and shall file a bail application;

(b) The petitioner shall deposit 20% of the cheque amount within a period of sixty days from 07.09.2023;

(c) The Court below shall entertain the bail application and grant the interim bail to the petitioner for a period of sixty days by imposing necessary conditions;

(d) If the petitioner deposits the amount as directed by this Court within the time stipulated, the Court below shall make the bail order absolute by imposing necessary conditions and if the petitioner fails to



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deposit the amount as directed by this Court, the Court below shall cancel the bail and shall make the petitioner undergo the sentence imposed by the Trial Court.

30.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

Note : Issue order copy on 01.09.2023.

To

1. The Principal Sessions Judge,
City Civil Court,
Chennai.
2. The III Additional City Civil Court,
Chennai.



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N.ANAND VENKATESH, J.

grs

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