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Crl.O.P.No.22191 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22191 of 2023

K.Sundar

S/o.V.Kanniappan

... Petitioner

Vs.

A.Ganesan

S/o.Alagesan

represented by his Power of Attorney

Shanthi

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the dismissal order of the suspension of sentence in Crl.M.P.No.19372 of 2023 in Crl.A.No.451 of 2023 dated 07.08.2023 by the learned Principal District and Sessions Judge at Chennai and allow the present suspension of sentence petition till the disposal of the Criminal Appeal No.451 of 2023 pending trial before the II Additional District Sessions Judge, Chennai.

For Petitioner : Mr.S.Nambirajan

ORDER



Crl.O.P.No.22191 of 2023

This Criminal Original Petition has been filed challenging the order passed by the Court below dismissing the petition filed by the petitioner in Crl.M.P.No.19372 of 2023 in Crl.A.No.451 of 2023, dated 07.08.2023 seeking for suspension of sentence pending Crl.A.No.451 of 2023.

2. The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act and was sentenced to undergo 6 months simple imprisonment and to pay fine of Rs.5,50,000/- as compensation to the complainant. This judgment was passed by learned Metropolitan Magistrate, FTC V, Saidapet, Chennai, in C.C.No.6487 of 2018, dated 08.03.2023. While passing this judgment, the trial Court itself had suspended the sentence till 06.04.2023.

3. Aggrieved by the above judgment, the petitioner filed an appeal before the Court below in Crl.A.No.451 of 2023. Pending the appeal, the petitioner filed a petition seeking for suspension of sentence. The Court below dismissed the petition on the ground that the period for which the



Crl.O.P.No.22191 of 2023

trial Court had granted suspension of sentence had already expired.

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

4. Heard Mr.S.Nambirajan, learned counsel for petitioner and carefully perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to dispose of the present petition in the following terms:

(a) the petitioner is directed to surrender before the II Additional District and Sessions Judge, Chennai, on or before 06.10.2023 and file a bail application before the concerned Court;

(b) the petitioner shall deposit 20% of the compensation amount fixed by the trial Court within a period of 60 days, to the credit of C.C.No.6487 of 2018;

(c) the II Additional District and Sessions Judge, Chennai, shall grant



Crl.O.P.No.22191 of 2023

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interim bail to the petitioner for a period of 60 days;

- (d) if the petitioner deposits the compensation amount within the period of 60 days fixed by this Court, the bail order shall be made absolute by imposing necessary conditions; and
- (e) if the petitioner fails to deposit the compensation amount as directed by this Court, interim bail order shall stand cancelled and the Court below shall make the petitioner to undergo the sentence imposed by the trial Court.

Accordingly, this Criminal Original Petition is disposed of.

27.09.2023

Note: Issue order copy by 03.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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Crl.O.P.No.22191 of 2023

To

- 1.The Principal District and Sessions Judge,
Chennai.
- 2.The II Additional District & Sessions Judge,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.22191 of 2023

N.ANAND VENKATESH,J

gm

Crl.O.P.No.22191 of 2023

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