



Crl.O.P.No.21269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.21269 of 2023**

R.Nithya Devi

... Petitioner

Vs.

Munirathanam Reddy Kamasani

... Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to call for the record set aside the order dated 31.08.2023 made in petition for suspension of sentence vide Criminal M.P.No.1 of 2023 in C.A.No.498 of 2023 on the file of Principal District and Sessions Judge, City Civil Court, Chennai.

For Petitioner : Mr.R.Rangarajan

**ORDER**

This petition has been filed challenging the order passed by the Court below in Crl.MP.No.1 of 2023 dated 31.08.2023, dismissing the application filed for suspension of sentence pending Criminal Appeal No.498 of 2023.



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2. Heard Mr.R.Rangarajan learned Counsel appearing on behalf of the petitioner and this Court has carefully considered the materials available on record.

3. The petitioner was convicted for 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 as compensation and in default to undergo one month simple imprisonment.

4. The petitioner aggrieved by the Judgment of the Trial Court, filed an appeal before the Principal District and Sessions Judge, City Civil Court, Chennai in Crl. A.No.498 of 2023 and also filed an application seeking for suspension of sentence. The Court below dismissed the application for suspension of sentence on the ground that petitioner was not present before the Trial Court on the date of passing of the Judgment and hence, a non bailable warrant has been issued against the petitioner and therefore, the application for suspension of sentence is not maintainable.



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

5. Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of in the following terms:-

a) The petitioner is directed to surrender before the V Additional, City Civil Court, Chennai. on 19.09.2023 and shall file a bail application.

b) The petitioner is directed to deposit 20% of the compensation amount fixed by the trial court within a period of 60 days from 19.09.2023.

c) The Court below shall grant an interim bail to the petitioner for a period of 60 days.

d) If the petitioner complies with the direction issued by this Court in clause (b), the bail order shall be made absolute by imposing necessary conditions. and



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- e) If the petitioner fails to deposit the amount as directed by this Court in Clause (b), the interim bail shall be cancelled and the petitioner shall be made to serve the sentence imposed by the trial Court.

**15.09.2023**

Index : Yes/No  
Speaking order: Yes/No  
Neutral citation: Yes/No  
rjr/rka

To

1. V Additional City Civil Court, Chennai
2. The Principal District and Sessions Judge, City Civil Court, Chennai.
3. The Public Prosecutor,  
High Court, Madras.



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**N.ANAND VENKATESH,J**

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