



Crl.O.P.No.21695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21695 of 2023

Chandrasekaran

... Petitioner

Vs.

N.Srinivasan

... Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to set aside the order in Crl.M.P.No.21741 of 2023 in C.A.No.495 of 2023 dated 30.08.2023 pending trial on the file of II Additional City Civil Judge at Chennai.

For Petitioner : Mr.C.D.Johnson

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking for suspension of sentence in Crl.M.P.No.21741 of 2023 in C.A.No.495 of 2023 dated 30.08.2023.

2. Heard Mr.C.D.Johnson, learned counsel appearing on behalf of



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the petitioner and this Court has carefully perused 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-I, Egmore, Chennai in C.C.No.5849 of 2019 by Judgment dated 11.04.2023 and was sentenced to undergo two years simple imprisonment and to pay the cheque amount as compensation and in default to undergo six months simple imprisonment. The Trial Court had suspended the sentence till the appeal period is over.

4. Aggrieved by the above Judgment, the petitioner filed Crl.A.No.495 of 2023 before the Court below along with an application for suspension of sentence. The Court below dismissed the application mainly on the ground that by the time the application was entertained, the period of suspension of sentence granted by the Court below had expired. Aggrieved by the same, the present petition has been filed before this Court.

6. Taking into consideration the facts and circumstances of the



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case, this Criminal Original Petition is disposed of in the following terms:

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- a) The petitioner is directed to surrender before the II Additional Sessions Court, Chennai on 04.10.2023 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 04.10.2023.
- 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
- 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.

25.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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Note : Issue order copy on 25.09.2023

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To

- 1.The II Additional City Civil Judge, Chennai.
- 2.The II Additional Sessions Court, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



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