



Crl.O.P.No.21545 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21545 of 2023

Durai Joseph

.. Petitioner

Versus

M.Aravind Bagrecha

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.1 of 2023 in Crl.A.No.475 of 2023, dated 21.08.2023 by the learned Principal District and Sessions Judge, City Civil Court, Chennai and enlarge the petitioner / appellant on bail, pending disposal of the Criminal Appeal in Crl.A.No.475 of 2023 on the file of the learned VI Additional Sessions Judge, City Civil Court, Chennai.

For Petitioner : Mr.Durai Kannan

ORDER

This Criminal Original Petition has been filed challenging the order passed by learned Principal Sessions Judge, Chennai, dismissing the petition



Crl.O.P.No.21545 of 2023

filed for suspension of sentence pending disposal of the Criminal Appeal in Crl.A.No.475 of 2023.

2. The petitioner was convicted for an offence u/s.138 of the Negotiable Instruments Act in C.C.No.1636 of 2019 by learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai, by judgment dated 04.08.2023 and was sentenced to undergo one year Simple Imprisonment and to pay the cheque amount as compensation and in default to undergo three months Simple Imprisonment. Aggrieved by the same, the petitioner filed Crl.A.No.475 of 2023 before the Principal Sessions Judge, Chennai. The petitioner also filed a petition in Crl.M.P.No.1 of 2023 for suspension of sentence and the same was dismissed by the Court below on 21.08.2023. Aggrieved by the same, the present petition has been filed.

3. Heard Mr.Durai.Kannan, learned counsel for petitioner.

4. The Court below has dismissed the petition mainly on the ground that the petitioner was not present before the trial Court at the time of passing the judgment and hence, a non-bailable warrant was issued against the petitioner and the same was pending. In view of the same, the Court



Crl.O.P.No.21545 of 2023

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below was not inclined to entertain the petition seeking for suspension of sentence.

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

(a) the petitioner is directed to surrender before the learned VI Additional City Civil Court, Chennai, on or before 27.09.2023;

(b) the petitioner, at the time of surrender, shall also move an application seeking for bail before the learned VI Additional City Civil Court, Chennai;

(c) the petitioner is directed to deposit 20% of the compensation amount fixed by the trial Court within 60 days from the date of surrender. The appellate Court shall grant an interim bail to the petitioner by imposing necessary conditions for 60 days;

(d) if the petitioner complies with the direction issued by this Court, the appellate Court shall make the order of bail absolute by imposing necessary conditions; and

(e) if the petitioner fails to comply with the direction issued by this Court by not depositing the amount, the appellate Court shall cancel the



Crl.O.P.No.21545 of 2023

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interim bail and shall remand the petitioner to undergo the sentence imposed by the trial Court.

6. This Criminal Original Petition is disposed of with the above direction.

21.09.2023

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

Note : Issue order copy on 22.09.2023.

To

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



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Crl.O.P.No.21545 of 2023

N.ANAND VENKATESH, J.

grs

Crl.O.P.No.21545 of 2023

21.09.2023