



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21527 of 2023

V.Chithra

... Petitioner

Vs.

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.474 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.474 of 2023 on the file of Learned VI Additional Sessions Judge, City Civil Court, Chennai.

For Petitioner : Mr.Durai Kannan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

WEB COPY

This criminal original petition has been filed challenging the order passed by the Court below dismissing the application filed seeking for suspension of sentence pending disposal of CrI.A.No.474 of 2023.

2.Heard the learned counsel for the petitioner and also carefully perused the materials available on record.

3.The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo one year simple imprisonment and pay cheque amount as compensation and in default to undergo three months simple imprisonment.

4.Aggrieved by the above judgment passed by the trial Court in C.C.No.1639 of 2019, dated 04.08.2023, the petitioner filed an appeal in CrI.A.No.474 of 2023. The petitioner also filed an application seeking for suspension of sentence in CrI.M.P.No.1 of 2023.



WEB COPY

5. The Court below dismissed the application on the ground that the petitioner was not present before the Trial Court at the time of pronouncing the judgment and hence, a non-bailable warrant was issued against him on 04.08.2023. In view of the same, the Court below refused to entertain the application seeking for suspension of sentence. Aggrieved by the same, the present petition has been filed before this Court.

6. Considering the facts and circumstances of the case, this Court is inclined to dispose of this Criminal Original petition in the following terms :-

- (a) the petitioner is directed to surrender before the learned VI Additional City Civil Court, Chennai, on or before 26.09.2023;
- (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;



WEB COPY

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

6. This Criminal Original Petition is disposed of in the above terms.

19.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
ssr

To

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



3. The Public Prosecutor,
High Court, Madras.

WEB COPY



WEB COPY



N.ANAND VENKATESH, J

SSR

Crl.O.P.No.21527 of 2023

19.09.2023