



Crl.O.P.No.21267 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.21267 of 2023

I.Jayalakshmi

... Petitioner

Vs.

A.S.M.Karthick Kumar

... Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to set aside the Order dated 31.08.2023, passed in Criminal M.P.No.1 of 2023 in Criminal Appeal No.484 of 2023, passed by the Principle Session Judge, City Civil Court, Chennai.

For Petitioner : Mr.R.John Sathiyam
Senior Counsel for
M/s.Meiyappan Mohan

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 seeking for suspension of sentence pending in Criminal Appeal No.484 of 2023.



Crl.O.P.No.21267 of 2023

2. Heard Mr.R.John Sathiyar, Senior 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 two months simple imprisonment. The Trial Court had suspended the sentence till 17.08.2023.

4. The petitioner aggrieved by the Judgment of the Trial Court filed an appeal before the Principal Session Judge, City Civil Court, Chennai in Crl A.No.484 of 2023. Pending the appeal, an application was filed seeking for suspension of sentence. By the time this application was heard, the period for which the trial Court had suspended the sentence has expired and hence, the Court below has proceeded to dismiss the application and refused to entertain the same in the absence of the petitioner. Aggrieved by the same, this Criminal Original petition has been filed before this



Crl.O.P.No.21267 of 2023

Court.

WEB COPY

5. The learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner was in disposed and was not able to be present before the Court and to substantiate the same, the learned Senior Counsel brought to the notice of this Court the medical reports.

6. 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 XVII 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



Crl.O.P.No.21267 of 2023

necessary conditions. and

WEB COPY

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

Note : Issue order copy on 15.09.2023

To

1. XVII Additional City Civil Court, Chennai
2. Principle Session Judge, City Civil Court, Chennai
3. The Public Prosecutor, High Court, Madras



WEB COPY



Crl.O.P.No.21267 of 2023

N.ANAND VENKATESH,J

rka/rjr

Crl.O.P.No.21267 of 2023

15.09.2023