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Crl.O.P.No.21636 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.21636 of 2023

Anithah Panicker

.. Petitioner

Versus

A.Srinivasan

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order, dated 12.09.2023 in Crl.M.P.No.1 of 2023 in Crl.A.No.540 of 2023 on the file of the Principal Sessions Court at Chennai.

For Petitioner : Mr.A.Rajarajan

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 pending Crl.A.No.540 of 2023.

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



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3. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act, 1881 and was sentenced to undergo three months Simple Imprisonment and to pay a compensation of Rs.4,00,000/- and in default, to undergo three months Simple Imprisonment. This judgment was passed by the learned Special Metropolitan Magistrate / X Judge of Court of Small Causes, Chennai on 10.08.2023.

4. The petitioner aggrieved by the judgment of the Trial Court, filed an appeal before the Court below in Crl.A.No.540 of 2023. The petitioner also filed an application for suspension of sentence. The Trial Court had suspended the sentence for a period of one month. However, by the time the application for suspension of sentence was taken up, one month period had expired and therefore, the Court below has dismissed the application filed for suspension of sentence. Aggrieved by the same, the present petition has been filed before this Court.



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5. Taking into consideration the facts and circumstances of the case, this Court is inclined to dispose off this Criminal Original Petition in the following terms:-

(a) The petitioner is directed to surrender before the learned XIX Additional City Civil Court, Chennai on or before 27.09.2023 and file a bail application before the concerned Court;

(b) The petitioner shall deposit 20% of the compensation amount within a period of 60 days from the date of surrender;

(c) The learned XIX Additional City Civil Court, Chennai shall grant interim bail to the petitioner by imposing necessary conditions;

(d) If the petitioner complies with the direction issued by this Court in clause (b), the Court below shall make the order of bail absolute by imposing necessary conditions; and

(e) If the petitioner fails to deposit the amount as directed in clause (b), the Court below shall cancel the interim bail and make the petitioner undergo the sentence imposed by the Trial Court.

21.09.2023

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



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Note : Issue order copy on 22.09.2023.

N.ANAND VENKATESH, J.

grs

To

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

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