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CrI.O.P.No.21664 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.21664 of 2023

Mr.Kannusamy Balan
Proprietor of Sooriya Travels,
38H, Burkit Road, T.Nagar,
Chennai 600 017

... Petitioner

Vs.

Mr.V.Murugan

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 11.09.2023 passed by the learned Principal Sessions Judge, Chennai in CrI MP No.1 of 2023 in CA No.538 of 2023 and grant suspension of sentence to the petitioner.

For Petitioner : Mr.S.Rajendrakumar

ORDER

This Criminal Original Petition has been filed challenging the order passed by the learned Principal Sessions Judge, Chennai, dismissing the application filed for suspension of sentence in CrI



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M.P.No.1 of 2023 in Crl.A.No.538 of 2023.

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2. The petitioner was convicted by the learned Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai in C.C.No.23 of 2020 through judgment dated 28.07.2023 for offence under Section 138 of the Negotiable Instruments Act 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. The Trial Court had suspended the sentence for a period of 30 days from 28.07.2023.

3. The petitioner aggrieved by the above judgement, filed an appeal in Crl.A.No.538 of 2023. The petitioner also filed an application for suspension of sentence. The Court below dismissed this application on the ground that by the time the application was dealt with, the period of suspension granted by the Trial Court had expired. Aggrieved by the same, the present petition has been filed before this Court.

3. Heard Mr.S.Rajendra Kumar, learned counsel for petitioner and carefully perused the materials available on record.



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4. 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 Principal Sessions Judge, Chennai on or before 29.09.2023;
- (b) the petitioner, at the time of surrender, shall also move an application seeking for bail before the Principal Sessions Judge, 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 interim bail and shall remand the petitioner to undergo the sentence imposed by the trial Court.



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

22.09.2023

Note to office: Issue order copy by 25.09.2023

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1.Principal Sessions Judge, Chennai

2.Metropolitan Magistrate, FTC-I, Egmore @ Allikulam, Chennai.

3. The Public Prosecutor, High Court, Madras



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