



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22008 of 2023

G.Rajkamal

... Petitioner

Vs.

G.Janakiraman

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the Principal District and Sessions Judge, Chennai in Crl.M.P.No.1 of 2023 in Crl.A.No.535 of 2023 dated 11.09.2023 on the file learned Fast Track Court-II (Magisterial Level) at Allikulam, Chennai.

For Petitioner : Mr.M.P.Saravanan

ORDER

This Criminal Original Petition has been filed challenging the order passed by learned Principal District and Sessions Judge, Chennai, dismissing the petition filed for suspension of sentence pending disposal of the criminal appeal in Crl.A.No.535 of 2023.



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2. The petitioner was convicted for an offence u/s.138 of the Negotiable Instruments Act in C.C.No.5898 of 2019 by learned Fast Track Court-II (Magisterial Level), @ Allikulam, Chennai, by judgment dated 10.08.2023 and was sentenced to undergo six months simple imprisonment and to pay the cheque amount as compensation and in default to undergo one month simple imprisonment. Aggrieved by the same, the petitioner filed Crl.A.No.535 of 2023 before the Principal District and 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 11.09.2023. Aggrieved by the same, the present petition has been filed.

3. Heard Mr.M.P.Saravanan, learned counsel for petitioner.

4. The Court below has dismissed the petition mainly on the ground that the petitioner has not obtained any order from the from the appellate Court, suspending the sentence and further the petitioner has not surrendered before the appellate Court. Hence, a non-bailable warrant was issued against the petitioner



and the same was pending. In view of the same, the Court 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 Principal District and Sessions Judge, City Civil Court, Chennai, on or before 03.10.2023;
- b) the petitioner, at the time of surrender, shall also move an application seeking for bail before the learned Principal District and Sessions Judge, 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



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N.ANAND VENKATESH,J

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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.

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

26.09.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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Note: Issue Order Copy on 27.09.2023

To

- 1.The Principal District and Sessions Judge, Chennai.
- 2.The Fast Track Court-II (Magisterial Level) at Allikulam, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.22008 of 2023