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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22804 of 2023

J.B.Gowrishankara

... Petitioner

Vs.

K.Thiyagarajan

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 22.09.2023 in Crl.MP.No.1 of 2023 in Crl.A.No.562 of 2023 on the file of the Principal Sessions Court at Chennai.

For Petitioner : Mr.S.Krishnamoorthy

ORDER

The petitioner was found guilty of the offence under Section 138 of



the Negotiable Instruments Act. The petitioner got suspension of sentence from the Trial Court and then preferred the appeal before the Principal Sessions Court, Chennai. However, the petition for suspension of sentence filed after expiry of the suspension of sentence period was not considered by the lower Appellate Court. Hence, the present Criminal Original Petition is filed.

2. The learned counsel for the petitioner submitted that, within 30 days time granted, if the petitioner moved the Appellate Court and filed the appeal and also suspension of sentence petition but same was numbered subsequent to the expiry of the period. In any event, if the petitioner needs to enjoy the suspension of sentence / bail, his stage of bail for the offence under Section 138 of N.I. Act, he has to comply the condition laid in 148 of N.I. Act which contemplates the accused / appellant need to deposit 20% of the cheque amount/compensation amount.

3. In this case, the Trial Court has awarded Rs.4 lakhs as compensation being the cheque amount. Therefore, the petitioner herein is directed to draw Demand Draft for a sum of Rs.80,000/- payable to the 21st



Additional Sessions Judge, Chennai in STC.No.4777 of 2022. On production of Demand Draft and appearance of the petitioner/accused along with suspension of sentence application, the same may be considered by the 21st Additional Sessions Judge, Chennai and to comply the conditions 10 days time granted from the date of receipt of copy of this order. If the petitioner fails to comply, it is open to the Trial Court to proceed in accordance with law.

13.10.2023

Index : Yes/No

drl

To

1.The Principal Sessions Court,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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