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Crl.O.P.No.23315 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.10.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23315 of 2023

T.Giritharan

... Petitioner

-VS-

Mushtaq Hasan

... Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order dated 26.09.2023, passed by the Principal Sessions Judge, Chennai in Crl.MP.No.1 of 2023 in C.A.No.567 of 2023 on the file of Principal Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Subbiah Senior Counsel for
M/s.Elizabeth Ravi

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner herein, who faced trial for offence under Section 138 of N.I.Act in CC.No.7738 of 2016 was found guilty on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai vide judgment dated

<https://www.mhc.tn.gov.in/judis>



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2. The petitioner was sentenced to undergo six months Simple Imprisonment and to pay a sum of Rs.21,00,000/- as compensation being the cheque amount. On the date of judgment, the accused was not present warrant was issued. Meanwhile, the petitioner has preferred the Appeal in C.A.No.567 of 2023 along with petition to suspend the sentence pending disposal of the appeal. The Lower Appellate Court dismissed the petition has not maintainable. Hence, the present Criminal Original Petition was filed.

3. On perusing the record and hearing the learned counsel for the petitioner, this Court is of the view that the petitioner was not present on the date of judgment and invited the warrant to secure and undergo the period of sentence, having filed an appeal challenging the order. The petitioner may be released on bail pending disposal of the appeal, provided to comply with the following conditions. The petitioner shall draw a Demand Draft for a sum of Rs.4,20,000/- being 20% of the cheque amount in CC.No.7738 of 2016 on the file of the Metropolitan Magistrate, Fast Track Court No.II, Egmore, Chennai. Along with Demand Draft, he shall appear before the 23rd Additional City Civil



Court, Chennai where the appeal is made out and produced the same in person and seek for suspension of sentence. On such production, the petitioner may be granted suspension of sentence with other regular conditions, the compliance of this shall be done on or before 30.10.2023.

4. With this observation, this Criminal Original Petition is disposed of.

13.10.2023

Index : Yes/No

Neutral Citation : Yes/No

drl

To

1.The Principal Sessions Judge, Chennai.

2. The Principal Judge, City Civil Court, Chennai.

3.The XXIII Additional City Civil Court, Chennai.

4.The Public Prosecutor,
Madras High Court, Madras.



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Dr.G.JAYACHANDRAN.J.

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