



WEB COPY



Crl.O.P.No.23532 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23532 of 2023

V.Uma Maheswari

... Petitioner

Vs.

V.Subramani

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order passed by the Principal Sessions Judge in Crl.M.P.No.1 of 2023 in Crl.A.No.503 of 2023 dated 31.08.2023 and grant suspension of sentence till pending disposal of Criminal Appeal No.503 of 2023.

For Petitioner : Mr.S.Velmurugan

ORDER

The petitioner herein is convicted by the trial Court for the offence under Section 138 of Negotiable Instruments Act for issuing a cheque for Rs.8,10,000/-without sufficient fund.



2. Before the trial Court, the petitioner obtained suspension of sentence under Section 389 of Cr.P.C., for a period of 30 days. When the petitioner preferred appeal against the conviction, the petition for suspension for sentence was not filed within 30 days. Though he preferred appeal before 30 days, his application for suspension of sentence could not be numbered. Hence the trial Court declined to entertain suspension of sentence. Aggrieved by the said order, the present Criminal Original Petition is filed by the accused/petitioner herein..

3. Considering the facts of the case, this Court is of the view that it is suffice to direct the petitioner herein to deposit 20% of the cheque amount before the appellate Court and seek for suspension of sentence. If the said amount is deposited in the appeal account, the appellate Court shall consider the suspension of sentence on the date of appearance and pass appropriate orders. Time for payment of the conditional amount and surrender is upto 03.11.2023.

19.10.2023

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

2/4



The Principal Sessions Judge, Chennai

WEB COPY



CrI.O.P..No.23532 of 2025

Dr.G.JAYACHANDRAN,J.



WEB COPY



Crl.O.P.No.23532 of 2023

rpl

Crl.O.P.No.23532 of 2023

19.10.2023