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Crl.O.P.No.25004 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25004 of 2023

K.Babu

... Petitioner

Vs.

S.Sukumar

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order passed by the learned Principal District Sessions Judge, Chennai in Crl.M.P.No.01 of 2023 in Crl.A.No.530 of 2023 dated 05.09.2023.

For Petitioner : Mr.R.Thamarai Selvan

ORDER

Petition for direction on the ground that, petitioner is found guilty for the offence under Section 138 of Negotiable Instruments Act and sentenced to undergo six months simple imprisonment and to pay the cheque amount of Rs.2,90,000/- as compensation within thirty days, has preferred an appeal before the learned Principal District Sessions Judge, Chennai and the same



has been taken on file in Crl.A.No.530 of 2023. However, suspension of sentence granted by the trial Court for a period of thirty days could not be extended. Petitioner was not able to file suspension of sentence petition before the Appellate Court on or before thirty days period. Hence, the Appellate Court dismissed the suspension of sentence petition filed by the petitioner. Being aggrieved by the same, present petition for direction is filed.

2. The learned counsel for the petitioner submitted that there was one day delay in filing of suspension of sentence petition before the Appellate Court. Petitioner is now ready to comply with the conditions under Section 148 of Negotiable Instruments Act and that he is ready to deposit 20% of the cheque amount.

3. In view of the above undertaking, this Criminal Original Petition is disposed of on the following terms:

Petitioner herein is directed to deposit 20% of cheque amount (Rs.58,000/-) through demand draft to the credit of Crl.A.No.530 of 2023 on the file of the Principal District Sessions Judge, Chennai within a period of



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15 days from today.

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If the petitioner appears before the learned Principal District Sessions Judge, Chennai along with the demand draft and the application for suspension of sentence, same may be considered and appropriate orders shall be passed.

01.11.2023

Index : Yes/No

Neutral Citation : Yes/No

Sma

To

Principal District Sessions Judge, Chennai



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Dr.G.JAYACHANDRAN,J.

Sma

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