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Crl.O.P.No.25541 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25541 of 2023

A.Arokkiya Dass

... Petitioner

-VS-

Mrs.K.Mala

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the learned Principal Sessions Judge, Chennai in Crl.M.P. No.27263 of 2023 in Crl.A. No.637 of 2023, dated 20.10.2023 enlarge the petitioner on bail till disposal of appeal.

For Petitioner

: Mr.K.Arunagiri

ORDER

The petitioner herein being convicted by the trial Court in S.T.C. No.6880 of 2017 for offence under Section 138 of the Negotiable Instruments Act, 1881 vide judgment dated 02.09.2023 had preferred an appeal before the Court of Sessions at Chennai along with petition for suspension of sentence.



The trial Court while taking the Criminal Appeal as C.A. No.637 of 2023 dismissed the suspension of sentence application on the ground that the period of suspension of sentence granted by the trial Court got expired and petition for suspension of sentence filed before the appellate Court was taken on file only on 19.10.2023, by that time, 30 days time granted by the trial Court expired and the petition cannot be entertained.

2. The learned counsel for the petitioner submits that due to conversion of filing process through electronic mode, there was some difficulty in getting the petition for suspension of sentence in time, though it was filed before the expiry of 30 days. Considering, the above reasons stated by the learned counsel for the petitioner, this Court is inclined to entertain the petition on the following terms.

3. The petitioner shall deposit 20% of the cheque amount that is Rs.4,00,000/- to the credit of STC. No.6880 of 2017 and produce it before the Appellate Court along with suspension of sentence application. If such application is made along with payment of 20% of the cheque amount as Rs.4,00,000/-, the lower appellate Court shall consider the suspension of sentence application and pass appropriate orders and the time for deposit is 15 days from the date of receipt of this order.



4. With the above direction, this Criminal Original Petition is disposed

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of.

08.11.2023

Internet : Yes/No

Index : Yes/No

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To

1.The Principal Sessions Judge, Chennai.

2. The XXV Metropolitan Magistrate, Egmore, Chennai.

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



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Dr.G.JAYACHANDRAN, J.

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