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Crl.O.P.No.26362 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.26362 of 2023

1. M/s. Aggrandize Technologics
Represented by its Proprietor
Ms. Senthamarai
No.28, 1st Floor,
Vivek Nagar,
Kolathur, Chennai – 600 099.

2. S.Senthamarai
Petitioners

...

Vs.

P.Mahendar
Respondent

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 20.10.2023 passed by the Principal Session Judge, Chennai in Crl.M.P.No.27264 of 2023 in C.A.No.638 of 2023 in C.C.No.1977 of 2015 on the file of the learned Metropolitan Magistrate, FTC-II @ Allikulam, Chennai.

For Petitioner : M/s.A.Balasingh Ramanujam



ORDER

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Petitioner herein is an accused found guilty by the trial for issuing cheque without funds. As per the judgement passed by the trial Court in C.C.No.1977 of 2015 dated 13.09.2023, 2nd petitioner was sentenced to undergo six months simple imprisonment and to pay compensation of Rs.1,00,000/- being the cheque amount to the defacto complainant and in default two months simple imprisonment. Aggrieved by the said judgement of conviction and sentence, petitioner/accused has preferred an appeal before the Principal Sessions Judge, Chennai in C.A.No.638 of 2023 along with the appeal, he has sought for suspension of sentence under Section 389(1) of Cr.P.C. The trial Court declined to entertain the petition, since it was filed after the lapse of thirty days from the date of judgement by the trial Court. Being aggrieved, present petition is filed.

2. Undoubtedly, petitioner cannot seek for suspension of sentence after the lapse of period of suspension of sentence. Moreso, when warrant to secure him for committal to the prison is issued.



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3. However, considering the representation made by the petitioner and in the light of the Section 148 of Negotiable Instruments Act, if the petitioner herein deposit a sum of Rs.20,000/- being 20% of the compensation amount in the account of C.C.No.1977 of 2015 on the file of the Metropolitan Magistrate (Fast Track Court -II), Egmore within a period of seven days from the day of the receipt of the order and produce the same before the Principal Sessions Judge and seek for suspension of sentence, same may be considered in accordance with law.

4. With the above observations and directions, this Criminal Original petition is disposed of.

29.11.2023

Index : Yes/No
Neutral Citation : Yes/No
Sma

To

1. Principal Session Judge, Chennai
2. Metropolitan Magistrate (Fast Track Court -II), Egmore



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Dr.G.JAYACHANDRAN,J.

Sma

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