



CrI.O.P.No.26266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.12.2023

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.26266 of 2023

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

2. S.Senthamarai.

... Petitioners/Accused

/versus/

C.Mahendra

... Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., pleaded to set aside the order dated 20.10.2023 passed by the Principal Sessions Judge, Chennai in CrI.M.P.No.27265 of 2023 in C.A.No.639 of 2023 in C.C.No.1976 of 2015 on the file of Learned Metropolitan Magistrate, FTC-II @ Allikulam, Chennai.

For Petitioners : Mr.A.Balasingh Ramanujam.



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ORDER

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The petitioners herein are the accused in a complaint filed under Section 138 of N.I Act. The 2nd petitioner/S.Senthamarai was found guilty by the trial Court and sentenced her to undergo 6 months S.I and to pay compensation of Rs.2,40,000/- failing which to undergo 2 months S.I.

2. Being aggrieved by the judgment of conviction passed by the trial Court, the petitioners have preferred the Criminal Appeal before the Principal Sessions Judge, Chennai, in C.A.No.639 of 2023. Her application for suspension of sentence been rejected by the Lower Appellate Court on the ground that, she has approached the Appellate Court after the expiry of period of suspension granted by the trial Court.

3. The Learned Counsel for the petitioners submitted that due to delay in getting the certified copy and numbering the suspension sentence application, the application filed under Section 389(1) of Cr.P.C., before the Lower Appellate Court not entertained though she has good chance to success in the appeal and therefore, sentence may be suspended.

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4. Taking into consideration and the reasons stated for the delay and the provision under Section 148 of N.I Act, the petitioners herein is directed to appear before the Lower Appellate Court on the next date of hearing and produce the demand draft for sum of Rs.48,000/- drawn in favour of C.C Account and on such production, the Lower Appellate Court shall consider the suspension of sentence application and pass appropriate order.

5. With the above observation, this ***Criminal Original Petition is disposed of.***

13.12.2023

Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking Order
bsm

Copy to:-

1. The Principal Sessions Judge, Chennai
2. The Metropolitan Magistrate, FTC-II @ Allikulam, Chennai.



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DR.G.JAYACHANDRAN, J.

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