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CRL.O.P.No.425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.425 of 2024

C.V.Vickram Suria Varma

...Petitioner

Vs.

M.Balamurugan

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to set aside the order of dismissal of petition for suspension of sentence passed in Crl.M.P.No.28437 of 2023, dated 06.11.2023 though the Crl.A.No.681 of 2023 by the Principal Session Judge at Chennai and allow the suspension of sentence on 29.09.2023 passed in C.C.No.6466 of 2017 by the learned Fast Track Court – V Magistrate Court, Saidapet, Chennai with condition.

For Petitioner : Mr.V.T.Naraendiran

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed in Crl.M.P.No.28437 of 2023 in Crl.A.No.681 of 2023 by an order dated 29.09.2023, dismissing the application



filed for suspension of sentence pending the appeal.

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2.This Court has carefully considered the submissions made by the learned counsel for the petitioners and the materials available on record.

3.The petitioner was convicted for an offence under Section 138 of Negotiable Instruments Act by the learned Metropolitan Magistrate Court, Fast Track Court – V, Saidapet by judgment dated 29.09.2023 and the petitioner was sentenced to undergo 8 months simple imprisonment and to pay the cheque amount as compensation in default to undergo 3 months simple imprisonment. The Trial Court had issued a non-bailable warrant against the petitioner, since the petitioner was not present on the date of the judgment.

4. The petitioner aggrieved by the judgment of the Trial Court, filed an appeal before the Court below in Crl.A.No.681 of 2023. The petitioner also filed an application for suspension of sentence. The Court below was not inclined to entertain this application, since a non-bailable warrant was issued against the petitioner and the petitioner did not surrender pursuant to the same. Aggrieved by the same, the present petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and



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the nature of grievance that has been expressed by the petitioner, this criminal original petition is disposed of in the following terms:

(a)The petitioner is directed to surrender before the learned Principal Sessions Judge, Chennai on or before 24.01.2024 and file a bail application.

(b)The learned Principal Sessions Judge, Chennai shall grant interim bail to the petitioner subject to the condition that the petitioner shall deposit the cheque amount as compensation within a period of 60 days thereafter.

(c)If the petitioner deposits the compensation amount within the time frame fixed by the Court below, the bail order shall be made absolute by imposing necessary conditions, and

(d)If the petitioner fails to deposit the compensation amount within the time frame fixed by this Court, the Court below shall cancel the interim bail and secure the petitioner to undergo the sentence.



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ssr/mkn2

6.Accordingly, this Criminal Original Petition is disposed of.

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Index: Yes/No

Speaking order/Non-speaking Order

Neutral Citation: Yes/No

ssr/mkn2

Note:Issue Order Copy on 18.01.2024

To

- 1.The Principal Session Judge,
Chennai.
- 2.The Fast Track Court – V Magistrate Court,
Saidapet, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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