



Crl.O.P.No.559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.559 of 2024

S.Kumar
S/o.Subbarayan

... Petitioner

Vs.

S.D.Ravi Kumar
S/o.Dhanasekar

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the learned Principal District and Sessions Judge, Chennai to accept the appeal along with suspension of sentence in the above appeal filing in S.R.number CRLA/31164/2023 and number the same and entertain the petition.

For Petitioner : Mr.Y.Deva Arul Prakash

ORDER

This petition has been filed challenging the docket order passed by the Court below on 20.11.2023 returning the appeal papers presented by



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the petitioner on the ground that the petitioner did not produce the certified copy of the order passed by the trial Court suspending the sentence.

2. The petitioner was convicted for offence u/s.138 of the Negotiable Instruments Act in C.C.No.3143 of 2020 by judgment dated 16.10.2023 by the Metropolitan Magistrate, Fast Track Court I, Egmore @ Allikulam, Chennai. The petitioner was sentenced to undergo one year simple imprisonment and to pay the fine amount equivalent to the cheque amount and in default to undergo 3 months simple imprisonment. Since the petitioner did not appear before the trial Court on the date of judgment, the trial Court issued non-bailable warrant against the petitioner.

3. The petitioner, aggrieved by the judgment of the trial Court, filed an appeal before the Principal District and Sessions Court, Chennai, on 15.11.2023. The appeal papers were returned by the Court below on 20.11.2023 on the ground that the correct provision of law is not stated in the grounds and that certified copy of the order of the trial Court suspending the sentence was not enclosed. The petitioner attempted to



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represent the papers stating that the trial Court did not suspend the sentence and non-bailable warrant was issued. However, the same was not entertained. Aggrieved by the same, the present petition has been filed before this Court.

4. This Court carefully considered the submissions made by learned counsel for petitioner and the materials available on record.

5. Taking into consideration the facts and circumstances of the case, this Court disposes of this petition in the following terms:

- (a) The petitioner is directed to represent the papers before the learned Principal District and Sessions Judge, Chennai, on or before 22.01.2024. Along with criminal appeal, the petitioner shall also file a bail application.
- (b) The bail application shall be taken up for hearing on 29.01.2024 and on that day, the petitioner shall surrender before the lower appellate Court.
- (c) The lower appellate Court shall grant interim bail to the petitioner with a condition that the petitioner should deposit 20% of the cheque amount within a period of sixty (60) days.



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N.ANAND VENKATESH, J.

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- (d) If the petitioner deposits the amount within the time stipulated, the interim bail order shall be made absolute by imposing necessary conditions;
- (e) If the petitioner fails to deposit the amount, the interim bail order shall be cancelled and the petitioner shall be secured to undergo the sentence imposed by the trial Court.

18.01.2024

Note: Issue order copy by 19.01.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To
The Principal District and Sessions Judge,
Chennai.

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