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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.331 of 2024

Jackson Vijay

... Petitioner

Vs.

State Represented by
The Inspector of Police,
J-2, Adayar Traffic Investigation Wing,
Adayar, Chennai – 90.
(Crime No.243 of 2018)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order dated 21.11.2023 made in Crl.M.P.No.29966 of 2023 in C.A.No.717 of 2023 on the file of the Principal Sessions Judge, Chennai in C.C.No.920 of 2021 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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This petition has been filed challenging the order passed by the learned Principal Sessions Judge, Chennai in CrI.M.P.No.29966 of 2023, dated 21.11.2023, dismissing the application filed by the petitioner seeking for suspension of sentence pending in C.A.No.717 of 2023.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor on behalf of the respondent and carefully perused the materials available on record.

3.The petitioner faced trial before the IV Metropolitan Magistrate Court, Saidapet for offence under Section 279, 337, 304(A) of IPC and Section 134 r/w 187 of the Motor Vehicles Act. The petitioner was convicted and sentenced by the Trial Court. The Trial Court suspended the sentence till 16.10.2023.

4.The petitioner aggrieved by the judgment passed by the Trial Court, filed an appeal before the Court below in C.A.No.717 of 2023. Along with the appeal, the petitioner also filed an application for suspension of sentence. By the time, this



application came up for hearing, the period for which the Trial Court had suspended the sentence had expired. In view of the same, the Court below was not inclined to entertain the application and it was dismissed by an order dated 21.11.2023. Aggrieved by the same, the present criminal original petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case and also the judgment that was passed by the Trial Court, this Court is inclined to dispose of this petition in the following manner:

a) The petitioner is directed to surrender before the learned Principal Sessions Judge, Chennai on 10.01.2024 and file an application to enlarge the petitioner on bail.

b) The Court below shall accept the surrender and shall pass orders in the bail application after hearing the both sides and shall enlarge the petitioner on bail by imposing necessary conditions and



N.ANAND VENKATESH, J

SSR

c) If the petitioner fails to surrender before the Court below, it is left open to the Court below to take steps to secure the petitioner and to make him undergo the sentence imposed by the Trial Court.

09.01.2024

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

SSR

Note: Issue Order Copy on 09.01.2024

To

1. The Principal Sessions Judge, Chennai.
2. The Inspector of Police,
J-2, Adayar Traffic Investigation Wing,
Adayar, Chennai – 90.
3. The Public Prosecutor,
High Court, Madras.

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