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Criminal Original Petition No.4445 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.4445 of 2024

1.Win Shoes

Partnership Firm represented by
its Partners
R.Rajesh and J.Venkatesan
No.142/2C, New Bypass Road,
Vellore - 632 008.

2.R.Rajesh

S/o.Rama Mandiri

3.J.Venkatesan

S/o.Jayaraman

... Petitioners

Vs.

M/s.Prayaan Capital Pvt. Ltd.,
represented by its Area Credit Manager,
Avijeet Rakshit
No.52/8, III Floor, North Boag Road,
T.Nagar, Chennai - 600 034.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to set aside the order dated 03.01.2024 passed in CrI.M.P.No.320 of 2024 in C.A.No.5 of 2024 on the file of Principal Sessions Judge, Chennai.

For Petitioners : Mr.D.Arun Kumar

ORDER



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This petition has been filed challenging the order passed by the Court below in CrI.M.P.No.320 of 2024 in C.A.No.5 of 2024, dated 03.01.2024, dismissing the application filed by the petitioners seeking for suspension of sentence pending disposal of the appeal.

2. The petitioners were convicted for offence u/s.138 of the Negotiable Instruments Act by the learned Metropolitan Magistrate, FTC III, Saidapet, Chennai, through judgment dated 03.01.2024 and the petitioners were sentenced to undergo three months simple imprisonment and to pay the cheque amount as compensation to the complainant. The trial Court suspended the sentence till 29.12.2023. Aggrieved by the same, the petitioners filed an appeal in CrI.A.No.5 of 2024 on the file of Principal Sessions Judge, Chennai. The petitioners also filed an application seeking for suspension of sentence. The Court below had dismissed the application mainly on the ground that by the time the application was taken up for hearing, the period for which the trial Court had suspended the sentence had expired. Aggrieved by the same, the present petition has been filed before this Court.

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



4. Learned counsel for petitioners submits that the case has been made over to XVII Additional Judge, City Civil Court, Chennai.

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

- (a) the petitioners 2 and 3 are directed to surrender before the XVII Additional Judge, City Civil Court, Chennai, on or before 05.03.2024 and file a bail application before the concerned Court;
- (b) the petitioners 2 and 3 shall deposit 20% of the compensation amount fixed by the trial Court within a period of 60 days, to the credit of C.C.No.4468 of 2021;
- (c) the XVII Additional Judge, City Civil Court, Chennai, shall grant interim bail to the petitioners 2 and 3 for a period of 60 days;
- (d) if the petitioners 2 and 3 deposit the compensation amount within the period of 60 days fixed by this Court, the bail order shall be made absolute by imposing necessary conditions; and

N.ANAND VENKATESH, J

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(e) if the petitioners 2 and 3 fail to deposit the compensation amount as directed by this Court, interim bail order shall stand cancelled and the Court below shall make the petitioners 2 and 3 to undergo the sentence imposed by the trial Court.

27.02.2024

Note: Issue order copy by 28.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

- 1.The XVII Additional Judge,
City Civil Court, Chennai.
- 2.The Principal Sessions Judge,
Chennai.

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