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CrI.O.P.No.1162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1162 of 2024

Ramesh

... Petitioner

Vs.

State of Tamil Nadu,
Rep. by Sub Inspector of Police,
Mambalam Police station,
Chennai

...Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code to set aside the order dated 02.01.2024 made in CrI MP No.52 of 2024 in C.A.No.819 of 2023 on the file of the Principal Sessions Court, Chennai.

For Petitioner : Mr.G.Karuppasamy Pandian

For Respondent : Mr.A.Damodaran
Addidtonal Public Prosecutor



Crl.O.P.No.1162 of 2024

ORDER

This petition has been filed challenging the order passed by the Court below in Crl.M.P.No.52 of 2024, dismissing the application seeking for suspension of sentence pending in Crl.A.No.819 of 2023.

2. Heard Mr.Mr.G.Karuppasamy Pandian, learned counsel appearing on behalf of the petitioner and this Court has carefully considered the materials available on record.

3. The petitioner was convicted for offence under Sections 279 and 338 of IPC and for offence under Section 279 of IPC, he was sentenced to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment and for offence under Section 338 of IPC, the petitioner was sentenced to undergo simple imprisonment for four months and to pay compensation of Rs.50,000/- to the victim/P.W.1, in default to undergo simple imprisonment for two months. The Trial Court had suspended the sentence till 17.12.2023.



Crl.O.P.No.1162 of 2024

4. The petitioner aggrieved by the Judgment of the Trial Court filed an appeal before the Principal Session Judge, City Civil Court, Chennai in Crl A.No.819 of 2023. Along with the appeal, the petitioner also filed Crl MP No.52 of 2024 seeking for suspension of sentence. Pending the appeal, an application was filed seeking for suspension of sentence. By the time, this application was heard, the period for which the trial Court had suspended the sentence had expired and hence, the Court below has proceeded to dismiss the application and refused to entertain the same in the absence of the petitioner. Aggrieved by the same, this Criminal Original petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to dispose of this petition in the following terms:

(a) the petitioner is directed to surrender before the learned V
Additional City Civil Court, Chennai, on or before
31.01.2024;



Crl.O.P.No.1162 of 2024

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(b) the petitioner, at the time of surrender, shall also move an application seeking for bail before the V Additional City Civil Court, Chennai.

(c) The V Additional City Civil Court, Chennai, shall pass orders in the bail application by imposing necessary conditions.

This Criminal Original Petition is disposed of with the above direction.

23.01.2024

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Note : Issue copy on 29.01.2024

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No



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Crl.O.P.No.1162 of 2024

N.ANAND VENKATESH,J

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To

1. V Additional City Civil Court, Chennai.
2. The Principal Sessions Court, Chennai.
3. State of Tamil Nadu,
Rep. by Sub Inspector of Police,
Mambalam Police station,
Chennai
4. The Public Prosecutor,
Madras High Court.

Crl.O.P.No.1162 of 2024

23.01.2024