



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 15.02.2024**

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**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**CRL.O.P No.3271 of 2024**

Ms.K.M.Lakshmi Devi

...Petitioner

Vs.

ITC Limited,  
Educational and Stationery Products Business,  
Rep. by its Authorised Signatory,  
Mr.Hardik Patel  
ITC Centre, 5<sup>th</sup> Floor, Anna Salai,  
Chennai – 600 002.

...Respondent

**PRAYER** : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crl.M.P.No.27262 of 2023 on the file of the Principal Sessions Court, Chennai and set aside the order in Crl.M.P.No.27262 of 2023 in CA.No.632 of 2023 dated 20.10.2023.

For Petitioner : Mr.Bommuraj

**ORDER**

This criminal original petition has been filed challenging the order passed by the Court below in Crl.M.P.No.27262 of 2023 in CA.No.632 of 2023 dated 20.10.2023, dismissing the application filed by the petitioner seeking for suspension



of sentence.

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2. Heard the learned counsel for the petitioner and carefully perused the materials available on record.

3. The petitioner was convicted for offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo six months simple imprisonment and to pay the cheque amount of Rs.25,75,765/- as compensation and in default to undergo two months simple imprisonment, by judgment passed by the learned Metropolitan Magistrate, FTC-II, Egmore in C.C.No.3652 of 2019. Even while passing this judgment, the sentence was suspended till 11.10.2023.

4. The petitioner aggrieved by the above judgment, filed CA.No.632 of 2023 before the Court below. Along with the appeal, the petitioner also filed an application for suspension of sentence pending disposal of the appeal. This application was dismissed by the Court below by an order dated 20.10.2023 on the ground that the suspension of sentence application was moved after the expiry of thirty days time granted by the Trial Court while suspending the sentence. 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 the ground that has been raised by the petitioner, this Court is inclined to dispose of this



criminal original petition with the following directions:

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a)The petitioner is directed to surrender before the Principal Sessions Judge, Chennai and file a bail application on or before 26.02.2024.

b)On such surrender, the Court below shall grant interim bail to the petitioner for a period of sixty days by directing the petitioner to deposit 20% of the compensation amount that was fixed by the Trial Court.

c)If the petitioner deposits the 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 amount within the time frame fixed by the Court below, the interim bail shall be cancelled and the petitioner shall be secured and made to undergo the sentence imposed by the Trial Court.

**15.02.2024**

Index: Yes/No  
Internet: Yes/No  
ssr

**Note: Issue Order Copy on 16.02.2024**



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**N.ANAND VENKATESH, J**

ssr

To

1.The Principal Session Judge, Chennai.

2.The Public Prosecutor,  
High Court, Madras.

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**15.02.2024**